

1

2

3

REGIONAL RESOURCE STEWARDSHIP COUNCIL MEETING

4

MARCH 4 & 5, 2010

5

6

VOLUME II OF II

7

8

9

10

LOCATION:

11

TENNESSEE VALLEY AUTHORITY
400 WEST SUMMIT HILL DRIVE
KNOXVILLE, TENNESSEE 37902

12

13

14

15

16

17

18

19

20

REPORTED BY:

21

KIMBERLY J. NIXON, RPR
NATIONAL REPORTING AGENCY
1255 MARKET STREET
CHATTANOOGA, TENNESSEE 37402
423.267.8059

22

23

423.266.4447 (FAX)

24

25

190

1 MEMBERS OF THE REGIONAL RESOURCE STEWARDSHIP COUNCIL

2 *MR. WILSON TAYLOR (FACILITATOR)

3 *MR. TOM LITTLEPAGE (COUNCIL CHAIR)

4 *MRS. CAROL DOSS

5 *MR. KARL DUDLEY

6 *MRS. JEAN KELLEMS ELMORE

7 MR. ZEE ENIX

8 *MR. BILL FORSYTH

9 **MR. JIM FYKE

10 MR. MICHAEL GOODMAN

11 *MR. MARK HOMMICH

12 *MRS. RENEE V. HOYOS

13 MR. LARRY KERNEA

14 MR. GEORGE KITCHENS

15 *MR. W. C. NELSON

16 SENATOR ARTHUR ORR

17 MR. WES ROSENBALM

18 *DR. KELLY TILLER

19 *MR. BILL TITTLE

20 *MR. RUSSELL TOWNSEND

21 *MR. JOHN WILBANKS

22

**MRS. DEBORAH K. WOOLLEY

23

*PRESENT FOR THE MEETING ON 3/4/2010 & 3/5/2010

24

**PRESENT FOR THE MEETING ON 3/5/2010

25

191

1

2

TENNESSEE VALLEY AUTHORITY DESIGNATED FEDERAL OFFICER

3

4

MS. ANDA A. RAY, DFO

5

SENIOR MANAGER, OE&R

6

TVA ENVIRONMENTAL MANAGER

7

TENNESSEE VALLEY AUTHORITY

8

400 WEST SUMMIT HILL DRIVE

9

KNOXVILLE, TENNESSEE 37902

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

192

1 P R O C E E D I N G S

2 CHAIR MR. TOM LITTLEPAGE: If I could
3 get everybody to move towards their seats. I am
4 pleased to see we have got some folks that were not
5 able to be here yesterday. I see Russell and Deb
6 were able to make it today. So we're glad you did.
7 I think this is going to be some crucial discussions
8 that we have this morning.

9 I want to thank the TVA staff for
10 yesterday certainly for the field trip. I think we
11 all enjoyed that. It was very good. I especially
12 enjoyed Pam. She really brings an enthusiasm and
13 intensity to making history alive.

14 DFO ANDA RAY: Pat Ezell.

15 CHAIR MR. TOM LITTLEPAGE: Pat. I'm
16 sorry.

17 DFO ANDA RAY: She's very

18 enthusiastic.

19 CHAIR MR. TOM LITTLEPAGE: I would
20 like to thank her. I told her she's on that
21 documentary that was published or broadcast on PBS,
22 that was very exciting.

23 And I guess -- I also want to thank
24 you for dinner. It was obviously a good opportunity
25 to get together and we certainly appreciate that
1 environment and the meal itself. 193

2 So we will start out this morning, and
3 Anda wants to say a couple of things and we will let
4 her open us up.

5 DFO ANDA RAY: Well, good morning.
6 And by the way, you guys need to come more often
7 because you brought really good weather. It's all
8 bright and it's shiny, and it sounds like your tour
9 yesterday went very, very, very well.

10 I did want to make sure, I think most
11 of you have met Kim Greene, our new group president
12 of strategy and external relations. She was formerly
13 the CFO with TVA and before that with Southern
14 Company. So we are really fortunate to have her
15 talents.

16 Let me tell you that I am not just
17 kissing up because she's my boss, but she's probably
18 got a reputation around this company of being one of
19 the most transparent executives and she's carrying
20 that throughout this organization, passing
21 information along, asking hard questions. So I am
22 really, really glad that she has picked up the
23 environmental area.

24 Under her leadership she has put all
25 the environmental area together for TVA and
1 recognizes this is an opportunity that you're working 194
2 on to put additional capital in our -- in TVA's
3 reputation, as well as the Valley's reputation for
4 being a great place to live.

5 So thank you, Kim, for spending your
6 time here because we know it's valuable.

7 And then Beth, where is Beth? Thank
8 you. Could you come here for just a second? Chew.
9 Chew. Chew.

10 CHAIR MR. TOM LITTLEPAGE: You're in
11 trouble now.

12 DFO ANDA RAY: I mean, I know you all
13 appreciate all the work that Beth does. She just

14 works on this. From the time you guys leave today
15 she will be working on the next session. So thank
16 you very much for working so hard.

17 MS. BETH KEEL: Oh, my gosh. Thank
18 you. I really enjoy you-all. You know that. Thank
19 you.

20 DFO ANDA RAY: She's really great. I
21 had a couple of people last night ask me if I would
22 give you a very two-second update on Kingston, on the
23 Kingston cleanup. So I would like to do that.

24 If you recall, we spilled about 5
25 million cubic yards into the river. About 3 million
1 was called time-critical, meaning it wasn't contained¹⁹⁵
2 behind a barrier, we needed to dredge it out. Of
3 that 3 million we have got about 2.5 million cubic
4 yards that has now been dredged out of the river,
5 that's liquid weight, and then the 1.5 tons is the
6 dry weight, that's what gets shipped in trains down
7 to Arrowhead in Perry County, Alabama.

8 So we're very, very close to getting
9 the time-critical out of the river. We're on track
10 for April to have that out of the river. Then they
11 will still probably keep the navigation areas closed.

12 It's not really for large navigation or for
13 recreation because they will still have heavy dredges
14 and heavy equipment there.

15 Then we move into what's called the
16 non-time critical, and that's the remaining about 2.4
17 million cubic yards that's behind a dike that we
18 built to contain it. That one is called non-time
19 critical. You have to go out and get more public
20 comment. You can't just run in there and get it and
21 clean it up.

22 So the public comment period right now
23 is on the three options. The options include
24 dredging what's behind that dike and putting it back
25 into the failed cell that will be structurally
1 reinforced or it includes taking it out of where it ¹⁹⁶
2 spilled and taking it off site or taking what spilled
3 off site and everything left in the failed dredge
4 cell off site.

5 Right now the comments seem to be
6 leaning towards reinforcing the dike and putting the
7 ash that has spilled back into the area that it was,
8 but there's just a lot of discussions. Nobody wants
9 to see this situation happen again. So that's where

10 we are.

11 The non-time critical will take
12 probably a couple of years. It will be moving very
13 methodically. TVA has committed to not leaving any
14 of the spilled ash in place. It will remove it and
15 restore that area.

16 Right now it looks like we will dredge
17 down through most of the Emory. Although, as you
18 realize, there was some consumption advisories from
19 fish that were already there based on some old Oak
20 Ridge activity, and they have found some of the
21 sediments are contaminated with that old Oak Ridge
22 activity. So we probably won't be dredging as far
23 down as we expected. The sediment is mixing with the
24 ash, and there will be lots of discussion about that.
25 That's not as much of an issue as most people
197
1 thought.

2 One of the things that TVA did because
3 there was some skepticism about TVA's objectivity and
4 research and the affect of ash in the river, the
5 affect of ash on aquatic life, and so we set up a
6 FUNT (phonetic) and had it administered independently
7 and objectively by a peer group of 100 universities

8 set up by Oak Ridge Association of Universities, and
9 they issued an RFP for research on the effective ash
10 on the aquatic and biological environment.

11 That symposium -- part of the issue to
12 get people to get peer review research because as you
13 know if you do a lot of one-on-one people have a
14 plethora of opinions. So this is peer review
15 research. The symposium is to report out on health
16 and aquatic and biological effects next week, the
17 11th and 12th of March in Harriman, Harriman,
18 Tennessee, and I'm really excited about that because
19 it will be some TVA research but a lot of academia
20 and other environmental organizations that have done
21 peer review research to look at the effects with
22 that.

23 The only other thing that's happening,
24 obviously this made national news. It's kind of died
25 down a bit, but it has become a poster child for coal
1 ash regulations. The regulations were supposed to be¹⁹⁸
2 out in December. There was so much response and
3 comments to the Environmental Protection Agency that
4 they have postponed those until sometime in April.

5 One of the comments was from the

6 Academy of FASME, I can't remember what that stands
7 for, but it's the standards group, and they decided
8 that they would not be able to include coal ash as a
9 standard component into cement if it was declared as
10 a hazardous material. That's a big blow to the
11 beneficial use of ash, especially since it was going
12 to be bound, and that's one of the issues, that the
13 uses be bound.

14 So that's kind of where we are on the
15 Kingston efforts. It's very, very successful. We
16 have been able to keep on track, and I am just really
17 proud that TVA has said that we're going to restore
18 the area.

19 So any questions or comments on that?

20 CHAIR MR. TOM LITTLEPAGE: Has the
21 financial projection changed in terms of the overall
22 cost of this cleanup?

23 DFO ANDA RAY: We're still looking at
24 about 1.2 billion. That does not include what's
25 called a national -- natural resource damage
1 assessment, which they have to wait until they clean
2 it up to figure out what the long-term damage is,
3 both from the human services availability as well as

4 the biological and aquatic life. It does not include
5 litigation costs or lawsuits and it does not include
6 any civil penalties. Other than that, the cost
7 estimate is about the same.

8 CHAIR MR. TOM LITTLEPAGE: Okay. Any
9 other questions for Anda?

10 John.

11 FACILITATOR WILSON TAYLOR: Anda,
12 where does the money come from? Will it impact your
13 other programs that you're trying to do or your other
14 programs that you-all offer? How does that work?

15 DFO ANDA RAY: Remember, we talked
16 yesterday where TVA gets revenue or gets money from
17 is two places, from rates and from borrowing, from
18 capital. That's where it's going to come from.

19 So right now we're amortizing the
20 costs over a period of time for the Kingston cleanup,
21 but it all comes from TVA rates.

22 Kim, I don't know if you want to add
23 anything to that.

24 MS. KIM GREENE: Well, it is --
25 ultimately even if we borrow it, it comes -- it gets
1 paid back from ratepayers. So certainly it's TVA's

2 goal to minimize that number. The number that Anda
3 mentioned right now is the high point of our
4 estimate. We have got a little over 900 million to
5 1.2 million as a range.

6 The folks out there who are working
7 diligently to clean this up are working on keeping
8 that number as low as possible, but certainly it does
9 have to be taken into consideration as we look at our
10 budget and the availability of limited capital and
11 our limited borrowing ability. We have a lot of
12 different things to balance.

13 FACILITATOR WILSON TAYLOR: So
14 actually then eventually the rates will increase as a
15 direct result of this spill?

16 MS. KIM GREENE: Well, rates have
17 increased. In fact, last October -- well, the Board
18 agreed to it in August, but last October a 9 percent
19 base rate increase went into effect, and that is
20 partly due to the need to recover some of that money
21 for that cleanup. There are other drivers as well.

22 DFO ANDA RAY: One of the things is
23 that if -- when she mentioned the range, if we're
24 able to restore that on-site and not have to take it

25 off site, that helps bring us down in the range.

201

1 Okay.

2 CHAIR MR. TOM LITTLEPAGE: Any other
3 questions?

4 Thank you for that update.

5 We have got a very ambitious day set
6 before us today. There's a couple of things we want
7 to get done. First and foremost is we want to get
8 everybody out of here on time today.

9 So we're going to -- Wilson is going
10 to walk us through the questions, but as we go
11 through these questions think about the activities
12 that you see the stewardship Council involved in.

13 One of other aspects of the discussion
14 is where do we go from here in the future and what is
15 our role in this process, both with regards to
16 helping to define and enhance the activities and the
17 criteria discussion that we're going to go through
18 today and then as we move into future meetings. So
19 just be thinking about that as we have this
20 discussion with regards to all the various
21 activities.

22 So with that, Wilson, we will get

23 started.

24 FACILITATOR WILSON TAYLOR: Thanks,
25 Tom. What I would like to invite you to do is turn
1 in your book to the tab titled summary processes 202
2 scenarios and activities. Mike Dobrogosz is going to
3 walk us through a couple of examples about how we can
4 categorize these.

5 As Tom mentioned, today is not
6 intended to come up with a final resolution as much
7 as to sort through this information to give us a
8 start. It certainly could be looked at in additional
9 meetings in the future to refine it further.

10 So what I would like to do is have
11 Mike come up and give us an overview of how we need
12 to go through this process and then we will get into
13 the questions.

14 MR. MIKE DOBROGOSZ: Good morning
15 everyone. I hope everybody had a great time last
16 night. I know I did.

17 You know, when I go to these meetings
18 and conferences, it's really those dinners, those
19 specific meetings and luncheons that I actually enjoy
20 the most because that's when you actually get to know

21 folks and you get to talk to folks about some things
22 that you probably didn't learn in the course of the
23 actual conference. I just want to preface what I am
24 going to talk about in a second.

25 Last night, for example, I learned
1 that boa constrictors are thriving in the Everglades. 203
2 I learned that when we talk about bats and when Hill
3 was talking about bats last night that these female
4 bats will leave the caves, thousands and thousands
5 and thousands of them, go 17 miles, which is about
6 the distance you traveled up to Norris yesterday,
7 forge, eat all night, come back, go back to the cave
8 17 miles away, and then find their young in the
9 course of this huge cave with thousands and thousands
10 of bats, which are probably the size of a nickel,
11 that's kind of amazing.

12 DFO ANDA RAY: What are the men doing
13 all of this time?

14 MR. MIKE DOBROGOSZ: The men are doing
15 absolutely nothing but breeding them, right?

16 MR. HILL HENRY HENRY: That's right.

17 MR. MIKE DOBROGOSZ: Then the other
18 thing I found out is we have alligators on Wheeler, I

19 never knew that. So you never know what you're going
20 to find during the course of these meetings.

21 I guess the point is, I have been here
22 19 years and I am still learning things new every
23 single day. We're asking you to digest a lot of
24 stuff in the course of a day and a half, and that's a
25 challenge. I think it's important for us -- part of
1 me wants to say I hope we didn't overwhelm you
2 yesterday with all of the information, but part of me
3 almost wants to say I kind of hope we did.

4 The reason I say that is because it
5 shows you sort of the comprehensiveness and the
6 volume of the materials that we deal with on a daily
7 basis, and it kind of shows the challenge that we
8 have ahead of us in terms of the NRP and how we're
9 going to move forward.

10 So what I would like to do very
11 briefly is talk about kind of the scope of this
12 morning and what you're going to be focusing on. Two
13 main areas -- actually, we have three questions with
14 two main areas.

15 What we would like you to do is really
16 focus on the activities we talked about yesterday.

17 There is in the appendix listed under activities you
18 will see a comprehensive list of all the activities
19 that we have in the NRM volume, the natural resource
20 management volume, and also the water resources
21 volume.

22 This is just kind of a sample you're
23 seeing here on the screen. So don't use that as your
24 guide. Use that as an appendix to your guide. Try
25 to figure out exactly what we want to do in terms of
1 these activities. How do we want to prioritize them?
2 Are we being comprehensive enough to listen to all of
3 the things that we need to list. You just need to
4 sort of start going through that list because that's
5 going to help us to sort of create a direction in
6 terms of what you're thinking and kind of what our
7 trajectory should be, those types of things.

8 So we're going to focus on activities
9 on those two volumes. I wish we had time to do the
10 recreation and lands planning, but these other two
11 volumes are the ones that are probably going to take
12 the most time, that's why we're focusing on those.

13 Remember yesterday when I talked a
14 little bit about the evaluation criteria, we have

15 that matrix where we're going to be setting up all of
16 these alternatives and looking at them in the course
17 of all these different scenarios and approaches.

18 What is the evaluation criteria we
19 need to be using to ensure that at the end of the day
20 we are being leaders in resource management?

21 So we want you to kind of take a look
22 at that and try to talk amongst yourselves of what
23 that evaluation criteria might be. And again, these
24 are just some examples that we have thrown up there.

25 We're talking about do we want to focus on
1 stakeholder values. Do we want to look at our
2 demands on public lands? Are we focused just on
3 cost? It's those types of things you need to start
4 thinking about and discussing and trying to figure
5 out or help us or lead us into a direction of maybe
6 what we should be thinking about when we talk about
7 evaluation.

8 So I think you also have a list of
9 questions there, but question No. 1 I kind of have
10 abbreviated just a little bit to sort of focus
11 specifically on the question. In reference to the
12 NRM, what programs and activities does the Council

13 consider as high priority, as low priority, and what
14 types of programs and/or activities would the Council
15 consider adding to the list?

16 So that's focused just on the NRM.

17 You saw yesterday with Hill's presentation and Erin's
18 presentation, that list is pretty long.

19 Question No. 2 is basically the same
20 question, but it focuses on water quality or water
21 resources, I should say. In reference to water
22 resources, what programs and activities does the
23 Council consider as high priority, as low priority,
24 and what types of programs and/or activities would
25 the Council consider adding to the list?

207

1 Third, in reference to the evaluation
2 criteria, what criteria do you think would be
3 appropriate to measure our success and also to define
4 TVA as a leader in resource management?

5 So that's a lot of information to
6 discuss in the course of a morning, but we have staff
7 here if you have any questions.

8 And Tom, I guess I will leave it with
9 you or maybe with Wilson.

10 FACILITATOR WILSON TAYLOR: Thanks,

11 Mike. I have asked Liz to reformat those questions.

12 Liz is going to be capturing information for us. So

13 I have asked her to reformat those so as we go

14 through the list we can put those in the different

15 categories.

16 Just again I will remind you that we

17 are trying to come up with a list to start with, and

18 we don't want to get bogged down in any one area and

19 spend a bunch of time trying to debate it as much as

20 to put them in these categories because we can always

21 go back, as Mike said, and refine the list and

22 revisit that list.

23 So any comments or questions based on

24 what Mike shared with us before we start that

25 process?

208

1 Okay. Liz, the first question, the

2 natural resource management volume includes a great

3 number of programs and activities, and as you can see

4 they are established considering several

5 alternatives.

6 Now, what I would like to do is if you

7 could just look at the list. It starts on page 1.

8 There's a document in the natural resource plan, pull

9 that document out since it's behind that tab. Turn
10 to page 1 of that document. You will see the list
11 for the natural resource management volume and the
12 activities under there.

13 Does everybody have that?

14 DFO ANDA RAY: It's behind the tab on
15 summary and processes behind the orange sheet.

16 FACILITATOR WILSON TAYLOR: Yes. As
17 an example, Tom, we will just start with access and
18 frozen lands protection. Is that high priority, low
19 priority? Where would we put that in this list up
20 there?

21 MR. RUSSELL TOWNSEND: I think it has
22 to be a high priority. If you will let me say for
23 just a second, I am not going to talk as much as I
24 usually do, but I've got a little bit to say right
25 here.

209

1 I have said it before and you-all have
2 heard it, but it probably needs to be -- I think it
3 needs to be said again. When you look at the
4 medieval term stewardship, you know, it was -- a
5 steward was a person who was given this
6 responsibility by his liege lord to take care of his

7 liege lord's property, and should he fail to take
8 care of that property, well, he could be dismissed
9 but he could also get his head chopped off.

10 I think today because the ultimate
11 penalty for failing as a steward is not as severe as
12 it once was, we have a tendency to water down the
13 concept of stewardship and the responsibilities that
14 come with the reality of being a steward.

15 So TVA, like so many federal agencies,
16 is the steward, is the caretaker not of a lord's
17 property but of the people's property. So there is a
18 great responsibility that we cannot fail. We would
19 be very remiss to fail.

20 So I think that when you look at
21 things like access controls and lands protection,
22 that gets right to the heart of some of the issues
23 about protecting the non-renewable resources that TVA
24 is charged with.

25 Everybody has pet issues. You know
1 archeology is mine, cultural resources is mine, but I²¹⁰
2 keep coming back to the fact that once those are
3 disturbed they can never be put back. You know, you
4 can replant trees. You may not get the very same

5 forest certainly in our lifetimes, but you can put
6 those things back. Once the puzzle of the
7 archeological material is disrupted, you can never
8 put it back.

9 And you-all have probably seen the TVA
10 maps that shows they really have two archeological
11 sites, you know, the right side of the river and the
12 left side. So I think a lot of care needs to be
13 given to protecting these non-renewable resources,
14 and you other experts can probably list some other
15 things besides archeology. I don't want to sound
16 like a broken record, but that's what I think about
17 these things that get right to the heart of taking
18 care of a steward of those non-renewable resources.

19 FACILITATOR WILSON TAYLOR: Thanks,
20 Russell. Any comments or thoughts about Russell's
21 statement?

22 Okay. Now, Russell, just a question
23 for you, and I guess for the group, would you agree
24 that everything probably is not high priority? Is
25 that --

211

1 MR. RUSSELL TOWNSEND: Yeah. You
2 know, I was thinking as I was looking at the list in

3 my packet, you know, the tribes would want me to tell
4 you-all that NAGPRA is a very high priority, you
5 know, taking care of the remains in TVA's possession
6 and potentially returning them to the ground is a
7 very high priority. I think there's a moral
8 obligation to proceed with that in some fashion.

9 You know, if we have a site where
10 hundreds of sets of human remains are looted and dug
11 up and spread all around and stolen, to me that is
12 much more destructive than having TVA continue to
13 take care of those remains for another six months.

14 So I think there are some
15 time-sensitive issues, some issues that we cannot
16 address at a later date, but I do think there are
17 other things like NAGPRA that the tribes would say to
18 me, Russ, TVA needs to devote the resources to that
19 now and do the right thing now.

20 I think ultimately we need to devote
21 the resources to those things that we can never get
22 back, never put back right again, and then see what
23 we can do about these things that are not as time
24 critical. So NAGPRA is my example.

25 FACILITATOR WILSON TAYLOR: Thank you,

1 sir. So let's go back to the list. The natural
2 resource management implementation activities, does
3 everybody have that list that's on page 1 of the
4 natural resource plan?

5 So access controls and lands
6 protection, we're going to ask Liz to put that in one
7 category.

8 Is that high or low?

9 Liz, if we would, we're just going to
10 put in here the items off the activities list. We're
11 not going to put the descriptors yet. I just want to
12 kind of get it broken down.

13 So was that a high or a low priority?

14 Russell says high.

15 Thoughts, comment or questions?

16 DFO ANDA RAY: Wilson, can I clarify?
17 There's four pages of one-liners. Are we going to go
18 through each of the four -- each of the lines of the
19 four pages and then they are going to have to -- how
20 are you going to get this because they don't know if
21 this is high priority or something else is higher
22 priority for them?

23 FACILITATOR WILSON TAYLOR: Well, I

24 think the group is going to decide as quickly as we
25 can to break this out.

213

1 Mike, is that --

2 MR. MIKE DOBROGOSZ: It's really up to
3 the discussion, however you want to do it.

4 FACILITATOR WILSON TAYLOR: I mean, I
5 think that may be the easiest way to do it because as
6 you and Kim alluded to earlier, there's some costs
7 involved to everything you do. So you really need to
8 figure out what the high priority items are.

9 DFO ANDA RAY: Okay. So you just want
10 them to kind of look through the list and then
11 somewhere on these four pages say what they think is
12 the highest priority?

13 FACILITATOR WILSON TAYLOR: That's
14 right.

15 DFO ANDA RAY: Not going through each
16 one of these and saying whether I think it's high,
17 low or medium?

18 Are you going to go through the list
19 line-by-line?

20 FACILITATOR WILSON TAYLOR: Yes.

21 DFO ANDA RAY: Oh.

22 FACILITATOR WILSON TAYLOR: That's
23 what I'm asking people just to -- we can respond high
24 or low and then move to the next item and not get
25 into a debate necessarily.

214

1 Tom, is that --

2 CHAIR MR. TOM LITTLEPAGE: I guess I
3 want to hear from the Council. I think it's going to
4 be hard to do that just given the sheer number of
5 activities that are here.

6 I mean, I think this kind of is what
7 represents the challenge to the staff is you look at
8 the width and breath of these activities, and all of
9 them are inherently good activities. There's nothing
10 bad or unnecessary.

11 It's a question of: How do you
12 develop a prioritization?

13 You can't do everything, and certainly
14 you can't do everything to the maximum extent. How
15 do you begin to work through that and recognize what
16 are these -- how do they rack against each other and
17 where should we be putting emphasis?

18 I think Russell has thrown out the
19 concept in general without going through specific

20 activities that maybe we should look at non-renewable
21 cultural resources or stewardship -- or resources,
22 I'm sorry, non-renewable things that once damaged
23 can't be replaced, is that something that should be
24 factored higher than other kind of stewardship
25 activities?

215

1 So maybe if you just kind of give me
2 some feedback. Do we want to talk in general in
3 terms of how do we provide input to the staff to
4 begin to rank concepts, maybe we will start that,
5 before we look at specific activities because I think
6 we're going to get bogged down if we try to go
7 item-by-item and rank this. Then once we get a sense
8 of what are the priorities, maybe then we begin to
9 tackle how can we put a criteria to these.

10 At the same time in looking at this,
11 one of the real challenges in a process like this is
12 trying to figure out what's missing. One of the
13 things they have asked us is, are there activities
14 that not being performed that they need to start
15 doing or taking a look at.

16 So as we talk about this, if there's
17 things that aren't on the list, let's throw those out

18 for discussion as well. So maybe we can get some
19 feedback on that concept.

20 Kelly.

21 DR. KELLY TILLER: I think the -- I
22 just have a general question, I guess, about how we
23 do this without also looking at costs and other
24 factors because, you know, I think we can all look at
25 this list and think, well, you know, everything on
1 here is great. There's nothing that -- you know, 216
2 this is mom and apple pie, but if you have to make
3 decisions without really seeing the full picture of
4 costs, it's difficult to -- you know, some things may
5 not have a budget line associated and may be very low
6 intensity in terms of implementation and maintenance
7 of some of these programs where others make -- and
8 they may be a lower priority, but, you know, why not
9 do it if it's easy to do? So I am struggling a
10 little bit with how we balance that.

11 CHAIR MR. TOM LITTLEPAGE: And I think
12 probably part of the fortunate aspect of this is that
13 Kim and Anda get to wrestle with a lot of the cost
14 issues, and at this point we're performing an initial
15 screening function.

16 So we get to kind of throw things out
17 there. And if it turns out ultimately that there is
18 a significant cost that needs to be factored in, I
19 think we will have other opportunities to come back
20 and look at this and sort of refine what we have
21 talked about. I think at this point unless there's
22 an obvious cost implication, I think we can kind of
23 not let that be the sole criteria for how we do this.

24 DFO ANDA RAY: I totally -- you are
25 absolutely right, it's going to be very, very hard.
1 Because this is -- we're hoping this isn't -- well, ²¹⁷
2 this is an interim process.

3 So the first step can kind of be
4 intuitively those programs you think that TVA, as a
5 federal agency, a utility and a regional development
6 agency, which things should we be focusing on on
7 those lists, and then we will come back and do
8 portfolios that will -- we are going to bring the
9 cost estimates back to you because that's going to be
10 part of it, but we need someplace to start to say
11 let's really flesh this out.

12 When we bring those back, you will see
13 a range for the different areas and you will be able

14 to say, okay, that would have been nice, but the
15 range is too high or we said that was low but the
16 rate -- so we will come back to you with a combined
17 portfolio of cost, but this is just a start on those
18 things that we need to make sure are included in the
19 plan and we flesh out a little bit more.

20 So you're exactly right, Kelly.

21 FACILITATOR WILSON TAYLOR: Jean.

22 MRS. JEAN ELMORE: A question. As we
23 look at this list, are any of them at present --
24 where are we on the curve with them?

25 Do any of them have a higher priority
1 starting out or that we know more about or have had ²¹⁸
2 more emphasis placed on them, you know, are there any
3 of those that would -- we would kind of not have --
4 not have to do as much talking about them all
5 starting at the same level?

6 FACILITATOR WILSON TAYLOR: Okay. So
7 are any of them already high priority that the staff
8 knows about?

9 Mike, any thoughts on that?

10 MR. MIKE DOBROGOSZ: I guess I would
11 refer to --

12 FACILITATOR WILSON TAYLOR: Could you
13 come to the microphone.

14 MR. MIKE DOBROGOSZ: I guess I would
15 just defer to Hill and Erin on that in terms of the
16 priorities of the NRM in terms of regulations. They
17 were asking in terms of things that are already being
18 prioritized or things that have already been --

19 FACILITATOR WILSON TAYLOR: We need to
20 use the microphone.

21 MR. HILL HENRY HENRY: State your
22 whole question to me so I can provide an answer.

23 FACILITATOR WILSON TAYLOR: It was
24 Jean's question. It was: Are there items already
25 that are high priority that they can just go ahead
1 and take that as a recommendation from the staff? 219

2 Jean, is that pretty much it?

3 MRS. JEAN ELMORE: Yes.

4 FACILITATOR WILSON TAYLOR: On this
5 list are there items that are already high priority?

6 MR. HILL HENRY: Oh. Just looking at
7 the whole list, and as I presented those yesterday,
8 it seems like an obvious breakdown would be what
9 are -- you know, again, my background is regulation

10 and so obviously I want to say regulation, but as a
11 federal agency we are -- there are activities that we
12 are required to do. So, you know, that might be a
13 starting point to where we need to, you know, set the
14 foundation with that.

15 Ultimately, you're going to get to
16 some of these activities where we have a lot of
17 leeway as to do we really need to be doing that or do
18 we need to do a lot of it or just a small amount, and
19 there are things like that on the list.

20 So, you know, if you want to go
21 through there and look at what the cultural
22 requirements are and the endangered species
23 requirements are and look at those.

24 And again, compliance, there's a range
25 of compliance. You don't have to comply all the way,
1 you just have to comply. So you have got minimal
2 compliance, a moderate amount of compliance, and a
3 maximum amount of compliance. So it depends on where
4 we want to ultimately go. If we want to be leaders
5 in an area, you know, you need to factor that in as
6 well.

7 Okay. Does that help you any at all?

8 MRS. JEAN ELMORE: Yes. Just I am
9 trying to narrow it down a little bit so we kind of
10 have a starting point instead of just, you know, this
11 great big picture of where do we start.

12 DFO ANDA RAY: Can I give you the list
13 and if you could just say, if you turn here, here,
14 and here, this looks like a regulatory requirement.
15 If you look here, this looks like non-renewable
16 resources. If you look here, this is enhancing. Can
17 we do that just very --

18 FACILITATOR WILSON TAYLOR: We can.
19 Again, back to Tom's point, I think Hill brought up
20 another item similar to what Russell said. Russell
21 said, you know, we need to focus on items that can't
22 be restored or recovered. Hill is saying we need to
23 look at items that are bound by regulations or
24 compliance categories.

25 MR. HILL HENRY: I have to be careful
1 because I want to make sure, you know, what is my
2 role in this, and I don't want to lead or anything
3 like that because we want feedback from you guys.
4 Couching these comments as such, I will talk to you
5 about what are the regulatory-type things.

6 Okay. Ultimately at some point as we
7 proceed through this progress we -- you know, we will
8 decide, you know, the range of regulatory compliance
9 and that type of thing. Okay.

10 So I will just start quickly at the
11 top. Access controls and lands protection, you know,
12 that's a baseline stewardship activity. You have got
13 to protect your resources as you very well described.
14 Okay.

15 Now, a lot of those activities are
16 associated with allowing people to access sites. So
17 it is important, but let's work down toward to where
18 the regulatory items are specifically, okay, because
19 that has regulatory items and other items associated
20 with it.

21 When we get down here to the
22 Endangered Species Act, that's a big one. Management
23 and monitoring, those are regulatory types of
24 actions. Remember, I had the exact regulations up
25 there at the time. Erin, when we get to the
1 cultural, will be able to present that as well.

222

2 Migratory birds is -- we have an
3 Executive Order to deal with those, and there's a

4 wide range of activities you can do under that
5 Executive Order.

6 Now, on the back side -- oh, one last
7 one on the front, I'm sorry, was the non-native
8 invasive plant management, that's an Executive Order.
9 So TVA has to determine how we're going to address
10 that Executive Order. There's a wide range of
11 activities for involvement -- levels of involvement
12 there.

13 And then you come to the back page and
14 you've got wetland resource protection and
15 management, there are regulations associated with
16 that as well.

17 What about the cultural area?

18 MS. ERIN PRITCHARD: Well, as I told
19 you guys yesterday, everything is pretty much covered
20 underneath the regulatory, stuff for cultural. Plus,
21 cultural resources are non-renewable resources. So I
22 don't know if that makes it easier or harder.

23 I would say that the two -- going on
24 what Russ said, that the two things that I would
25 focus on would be the activities that are underneath
223
1 ARPA and the activities underneath Section 110

2 because Section 110 is where we identify all of the
3 resources and their needs and protect them.

4 And ARPA is where we do the same
5 thing, identify the needs and protect them, and also
6 enforce the laws that prohibit the activities that
7 are going -- where people are going out there and
8 destroying those sites. So it covers the loss of
9 those non-renewable resources.

10 It includes the stabilization where we
11 go out and stabilize the banks and where the -- where
12 the erosion is also impacting them and also the
13 looting. It also includes the surveys and the
14 database stuff where we're going out and renewing
15 what's out there because the more we know about
16 what's out there the better we can do at managing the
17 resources.

18 Then NAGPRA, I would say -- I mean,
19 most -- we have to do NAGPRA. It's not like it's
20 something that is going to be an option for TVA, and
21 it is being done and we are taking the steps to meet
22 those needs under NAGPRA.

23 I would not say it's something that we
24 need to necessarily throw all of our money at right

25 now because I agree with Russ, I think that those
1 resources that are disappearing on a daily basis are 224
2 the resources that we should focus our attention on.

3 And what else do we have?

4 A lot of these Executive Orders on
5 consultation, again, we have to do consultation and
6 we are doing consultation and improving those
7 relationships. So I wouldn't make that a priority.

8 And the Executive Order for Preserve
9 America, that again goes back to the Section 110
10 responsibilities. So when we focus on our Section
11 110 program and we improve that, then we're going to
12 be improving all of our resource management for
13 cultural resources.

14 Does anybody have any questions?

15 FACILITATOR WILSON TAYLOR: Jean.

16 MRS. JEAN ELMORE: No. I forgot to
17 put my tent down.

18 MR. HILL HENRY: One other thing is
19 when we look at this type of thing of all of these
20 activities, we're going to ultimately have to
21 prioritize every action that we do. We're going to
22 have to look at the -- when we're looking at the

23 endangered species protection, for instance, we have
24 got to -- you just don't go out and protect
25 everything because TVA, as an agency, you have to
1 determine what can TVA actually impact. 225

2 So, like I said yesterday, there's 180
3 species out there that we have to look at, but how
4 many do we actually impact, okay, and then that helps
5 us prioritize things. You have got to determine,
6 okay, if we're going to monitor, does that mean you
7 have got to monitor from Paducah, Kentucky all the
8 way up to the mountains here or do you prioritize
9 areas that have high concentrations of sensitive
10 resources and start there and then over a course of
11 the years, you know, work through the system?

12 I can imagine what cultural resources
13 are -- I mean, as you said, we have cultural
14 resources on both sides of the river all the way
15 down. Ultimately you have got to step back and
16 you -- I mean, that's a big thing to look at. So
17 ultimately as a natural resource manager you have to
18 stop and go, you know, where can we get the biggest
19 bang for our buck, because we're going to have
20 limited resources to address these types of issues.

21 So it's up to you guys and us to back
22 up and say, where are those sensitive resources that
23 need attention right now, and then how can we best
24 protect those resources that need the most as -- the
25 quickest that we can?

226

1 Then ultimately as we move beyond the
2 regulatory actions here, there are a lot of
3 activities that are just land management-type
4 activities, and those are -- you know, we will be
5 able to pick those out.

6 Forest management, for instance, is a
7 land management activity. It's not -- there's no
8 regulations behind that, but is that something you
9 think TVA should do, okay, and then how does that
10 fall into your ranking scale?

11 Does that help?

12 I agree that you have got a tremendous
13 task.

14 MRS. JEAN ELMORE: It's big.

15 MR. HILL HENRY: We're feeling that as
16 well. We're sitting here backing up, you know, where
17 do we need to go with this. We're feeling that same
18 pressure.

19 To make it easier, just look at it at
20 a high level right now and start from there, and then
21 we will get to the details later on. Okay.

22 FACILITATOR WILSON TAYLOR: Any other
23 thoughts? Anda? Tom?

24 CHAIR MR. TOM LITTLEPAGE: That's what
25 we were just talking about is maybe, you know, within
1 those that are regulatory I think what we saw ²²⁷
2 yesterday, is there -- there are levels of
3 implementation. There are just meetings of bare
4 essence of the law and then there's a full
5 implementation of going over and above what the law
6 requires, you know, this idea of TVA setting the
7 standard, so to speak.

8 So I think there's no doubt that
9 within these things that we're calling regulatory
10 that they are going to be accomplished to some
11 degree, but it's a question of what degree they are
12 going to be accomplished.

13 Maybe the thing to do is let's kind of
14 take those off the table and look at the ones that
15 are more discretionary and say, are these worth
16 putting time and effort and dollars into?

17 What do y'all think about something
18 like that?
19 You know, I guess I was hoping we
20 would come in here and have a prescribed process for
21 doing this, but if you look at the complexity of what
22 TVA is being asked to do and lay out a strategy for
23 the next 20, 30, 40 years of how to devote resources,
24 this -- I think we're getting an appreciation for how
25 complex and how challenged the staff is feeling.

228

1 Renee.

2 MRS. RENEE HOYOS: I apologize to the
3 Council for being late and I am sorry that I missed
4 the earlier presentations, but I'm wondering if
5 there's a way that we can group them so that there's
6 certain focuses that encompass a lot of things.

7 So, for example, if you're looking at
8 water resources, can that encompass endangered
9 species, some types of other recreational issues if
10 you look at it that way? Is there a way to group it
11 that way? It's just a thought.

12 CHAIR MR. TOM LITTLEPAGE: And I had
13 kind of a simpler thought saying, you know, a concept
14 like environmental education, which spans multiple

15 activities, you know, there may be some degree of
16 discussion about what is the degree of environmental
17 education, but does the Council feel like the staff
18 should be putting an effort towards educating the
19 current users of the system, the general public,
20 childhood education in the schools to make them
21 environmentally aware of what progress has been made
22 and the challenges moving forward as the region
23 experiences growth and development without really
24 titling that as a specific or tie it to a specific
25 activity more in broader terms, bringing in cultural
1 resources and the awareness that once they are gone
2 they are gone and how do we protect and teach people
3 not to vandalize them in the future as opposed to
4 keep trying to go on after the ones that are
5 vandalizing. So, I guess, I would entertain some
6 discussion in looking at how we attack this.

7 Did you have a comment, Russell?

8 MR. RUSSELL TOWNSEND: Yeah. I just
9 was going to say, I think you're absolutely right,
10 Tom, that we need to find some way to streamline our
11 discussions, and maybe taking those regulatory items
12 off the table that we know TVA is going to have to do

13 is a good way to address that.

14 I would caution us, however, that you
15 do as you said have levels of participation in these
16 regulatory requirements. One thing I would point out
17 is like with Section 110 that Erin mentioned, you
18 know, that's the inventory of archeological resources
19 under TVA's care.

20 A lot of federal agencies will do
21 their Section 110 requirements only as Section 106
22 requirements are met. So if there are federal
23 undertakings under Section 106, then they may add to
24 Section 110 inventory, and that's good enough for the
25 federal agency.

230

1 So I don't want TVA to pull resources
2 away from those things where there is something
3 outlined where they could put greater emphasis and
4 more resources and really live up to the spirit of
5 the law and not just the letter of the law.

6 CHAIR MR. TOM LITTLEPAGE: And I would
7 agree with that. I would hope that we wouldn't be
8 approaching it from that perspective.

9 DFO ANDA RAY: I actually think we can
10 get those to those into six areas. If we could make

11 a commitment to come back to you on the regulatory
12 ones and give you the range, and then we can talk
13 more about we have to do something, whether we adhere
14 110 percent, that will help. So if we take those off
15 for right now we can come back to you with those.

16 Then if I could be so bold, may I
17 continue?

18 CHAIR MR. TOM LITTLEPAGE: Sure.

19 DFO ANDA RAY: I have looked at the
20 list. If we can split the list up into six areas,
21 and let me just throw these out, for the natural
22 resources, not the water, we're not there yet, if we
23 do access and boundaries, you know, getting in there
24 knowing what are the boundaries. The whole public
25 education would be one. Planning, land condition,
1 heritage databases, things that you would do in an²³¹
2 office to make sure you know what resources you have.

3 Then act outside would be forestry,
4 plant species management, kind of the external. Then
5 maintenance of trails, dispersed recreation, natural
6 resources, and maintenance of those. So those are
7 two fields items. The last one would be wildlife
8 habitat management, that's a fairly big one.

9 So we -- I think I have looked at each
10 of those areas under the natural resources that are
11 not regulatory, and those six seem to encompass that
12 and that would limit our discussion to six in the
13 priorities, would that be helpful?

14 MRS. JEAN ELMORE: I think so.

15 CHAIR MR. TOM LITTLEPAGE: Explain
16 your third one was outside --

17 DFO ANDA RAY: Was forest management
18 and --

19 CHAIR MR. TOM LITTLEPAGE: No. No.
20 This one right here.

21 DFO ANDA RAY: Planning land
22 assessment.

23 CHAIR MR. TOM LITTLEPAGE: Because one
24 of the general concepts that I was wrestling with is,
25 what are those activities that we need to measure?

1 You know, the old adage, you can't²³²
2 manage what you don't measure, and do we have good
3 measurement metrics in place for doing this or are
4 there monitoring requirements in general?

5 In terms of trying to decide if we're
6 doing a good job or not a good job, do we have

7 baseline information to support that? I was
8 wondering, were you kind of building that into that
9 concept?

10 DFO ANDA RAY: Yeah. But the
11 condition assessments would be your performance, your
12 condition assessment, your planning, your database of
13 information, so kind of that administrative
14 performance activity --

15 CHAIR MR. TOM LITTLEPAGE: How do you
16 feel about that concept?

17 DFO ANDA RAY: Of the six?

18 CHAIR MR. TOM LITTLEPAGE: Yeah, of
19 those six.

20 MR. MARK HOMMRICH: That's helpful.
21 Could you go through those again?

22 DFO ANDA RAY: Actually, if I say them
23 can you go ahead and type them up. Access and
24 boundaries. Public education and continuing --
25 continuing education, staff public education.

233

1 Planning.

2 FACILITATOR WILSON TAYLOR: What was
3 the second one?

4 DFO ANDA RAY: Public education and

5 staff education.

6 Planning, condition assessments,
7 performance, database, that's all one.

8 Forest and plant management.

9 Maintenance of trails, dispersed
10 recreation, and I -- natural resources is already
11 covered, right? Okay. Just trails and dispersed
12 recreation.

13 Then wildlife habitat management and I
14 guess natural resource management. I need a little
15 help on that one though. Wildlife habitat and
16 natural resource management, do those go together or
17 does natural resources go up with dispersed
18 recreation?

19 MR. HILL HENRY: The way it is right
20 now is correct.

21 DFO ANDA RAY: Okay. Thank you.

22 FACILITATOR WILSON TAYLOR: So, Anda,
23 are you proposing for the staff to go back and look
24 at those and make a future recommendation?

25 DFO ANDA RAY: No. I'm proposing they

1 have a little discussion on those six, prioritize or

2 have some discussion around those six, and then we

3 can move to water resources.

4 FACILITATOR WILSON TAYLOR: Okay.

5 DFO ANDA RAY: I think that Russell
6 started it off was No. 1.

7 CHAIR MR. TOM LITTLEPAGE: Kelly.

8 DR. KELLY TILLER: I have a comment to
9 follow up on Russ's comments earlier about the
10 stewardship obligations.

11 You know, I think that under the
12 access and boundaries, and in some sense the public
13 education, you know, all of these activities are
14 designed to benefit the public which TVA serves. So
15 I think those need to be a high priority because even
16 if you achieve success in many of the other things
17 but you haven't made it available and open to the
18 public and haven't provided them with the knowledge
19 that exists, then you're not fulfilling that
20 stewardship obligation.

21 FACILITATOR WILSON TAYLOR: Thanks,
22 Kelly.

23 CHAIR MR. TOM LITTLEPAGE: Other
24 thoughts or comments?

25 Renee.

1 MRS. RENEE HOYOS: So I know that
2 there's a watershed management initiative. I'm
3 trying to think of how this -- is this something
4 extra that's added on to all of the watershed
5 activities or does this -- are we going to plan a
6 watershed scale for all of these things?

7 I'm just kind of wondering how this is
8 going to play out implementation-wise.

9 DFO ANDA RAY: And I think on the --
10 you mean in general how does the priority play out or
11 how does this priority that we're doing play out?

12 MRS. RENEE HOYOS: Well, sort of the
13 whole exercise, I guess. As we implement this, are
14 we going to be like, okay, well, this group does
15 access and boundaries and then we have planning and
16 nobody is communicating or are we going to take a
17 look at those that TVA watershed as a whole have
18 these watershed initiatives that are also working on
19 these things?

20 DFO ANDA RAY: Right.

21 MRS. RENEE HOYOS: This is just
22 looking like it's one of those exercises that scales
23 down and down so small that nothing ever gets done.

24 DFO ANDA RAY: No. That's very valid.

25 Right now what we are is jack of all trades, master
1 of none, not doing anything really well, except in 236
2 pockets.

3 So what we're trying to do here is say
4 from an overall -- for the entire TVA watershed, that
5 for right now, and this is from the entire TVA
6 watershed, if boundaries is important, then when we
7 get to the strategic plan you will see an emphasis in
8 setting boundaries, looking at access control, more
9 monitoring, there will be more resources out there in
10 the field who do access control, and that's what it
11 would look like. And then each individual, however
12 we split it up, we're not sure if we will keep the
13 seven watersheds teams or not but --

14 MRS. RENEE HOYOS: Okay.

15 DFO ANDA RAY: Then it will say, how
16 does TVA best manage that? Some things are managed
17 better at an individual watershed team and some
18 things are managed as a whole entire organization.

19 Like 26(a) docks and permits right
20 now, we were managing those at the individual level,
21 that didn't work very well, inconsistent. So what

22 we're doing is managing those at the entire TVA
23 watershed and we are moving in that direction. So it
24 depends on what the priorities are. Some priorities
25 may be better at the watershed level.

237

1 MRS. RENEE HOYOS: That's helpful,
2 yeah.

3 FACILITATOR WILSON TAYLOR: And Renee,
4 you brought up the point about the water and managing
5 the water, keeping the water clean, I think something
6 to that nature earlier, is that covered in the six
7 here?

8 DFO ANDA RAY: I think that goes to
9 water resource management.

10 FACILITATOR WILSON TAYLOR: Okay.

11 MRS. RENEE HOYOS: Well, I was looking
12 at some of things and saying, well, I think you can
13 get to them through looking at water as a whole, I
14 mean, that's kind of my issue. That was just a
15 suggestion.

16 FACILITATOR WILSON TAYLOR: But it's
17 in there. Okay.

18 DFO ANDA RAY: It's not -- we're not
19 there.

20 MRS. RENEE HOYOS: We're not at water
21 resources yet, but there were things in the natural
22 resource management that look like they could be --

23 CHAIR MR. TOM LITTLEPAGE: And I think
24 there is going to be some overlap and there's going
25 to be some activities, and education is an obvious
1 one where there's, you know, education on the water 238
2 resource side and then there's education on the
3 natural resource or lands and recreation side.

4 FACILITATOR WILSON TAYLOR: It goes
5 back to your point, Anda, that there's going to be
6 all of these books that go into one book, and the
7 water would be included there.

8 DFO ANDA RAY: Uh-huh.

9 FACILITATOR WILSON TAYLOR: All right.
10 Good.

11 DFO ANDA RAY: Let me -- some of the
12 things that are difficult on boundaries, that has to
13 do with TVA has so many marginal strips that boundary
14 marking is not an activity that has had a high
15 priority. And as a result, there are some
16 inadvertent, as well as totally on purpose, but some
17 inadvertent of people crossing over into the TVA

18 lands and thinking it's their property.

19 So that's what that whole -- it's
20 access protecting it from those lands that we know
21 are TVA's. It's actually getting there and letting
22 people know that's not their land.

23 CHAIR MR. TOM LITTLEPAGE: Would this
24 concept of access and boundaries also sort of move
25 into TVA's regulatory role of enforcement and
1 monitoring? 239

2 You know, we talked yesterday about
3 the limitations of TVA's authority with regards to
4 being able to step into some operations, especially,
5 for example, marinas or parks that aren't on TVA
6 lands, and even those that are, there are some
7 limitations.

8 So is there -- I guess I just throw
9 this out for discussion. Do y'all feel that issue of
10 the lack of TVA's enforcement capability needs to be
11 brought into that issue as well?

12 John.

13 MR. JOHN WILBANKS: No. 1, I think
14 that knowing our boundaries is the most important
15 thing. We need to know what our -- where our

16 property is and so does the public. So I can't -- I
17 would think that's a major thing is to identify what
18 we own, what we're in charge of, No. 1.

19 I just can't -- yesterday we were
20 talking about enforcement, and I couldn't believe
21 that you-all can't enforce certain laws and
22 regulations. I think that enforcement is a major
23 thing because if there's no hammer for enforcement,
24 then people are going to laugh at you and just ignore
25 it and go on.

240

1 So I think the enforcement part is an
2 integral part, not only just boundaries and access
3 and encroachment.

4 I don't know and, Russ, you may know
5 better, I mean, what if somebody is caught stealing
6 an artifact, if TVA catches them, is that a federal
7 law violation? That may be a bad example.

8 CHAIR MR. TOM LITTLEPAGE: You don't
9 have to run, Erin.

10 DFO ANDA RAY: She likes this.

11 MS. ERIN PRITCHARD: I don't have
12 enough time. We do have some enforcement authority.
13 I just want to clarify that. For ARPA we do have --

14 if somebody is caught digging in a site, we can
15 enforce ARPA because that is a federal law that we do
16 have enforcement authority on.

17 What we were talking about with the
18 codified regulations, that's enforcing our own rules
19 as far as, no camping in this area, you know, like no
20 camping areas because there's an archeological site.
21 We can't bust somebody for camping in that even
22 though it's posted because we don't have any
23 authority to do that. Some of the states do.

24 I think we can do trespassing, I
25 think. We have some authority, but we don't have --
241
1 I think the TVA police, when they enforce laws, they
2 enforce like the Alabama -- no, Tennessee state laws
3 in the State of Tennessee, and then they use federal
4 laws in the State of Alabama. It's all depending on
5 which state they are in, but they are other people's
6 laws, not our own.

7 MR. JOHN WILBANKS: I understand that.
8 Like the national parks, is --

9 MS. ERIN PRITCHARD: We don't function
10 like that.

11 MR. JOHN WILBANKS: Is that -- I mean,

12 can we -- is that -- I just would think that TVA
13 being a quasi federal agency at least would have the
14 same authorities.

15 MS. ERIN PRITCHARD: They have their
16 own codified regulations. They have CFR's. The Fish
17 & Wildlife Service has CFR's. The Forest Service has
18 CFR's. They have their own laws and they enforce
19 their own laws on their lands. We don't have those.

20 MR. JOHN WILBANKS: Is that something
21 we could do?

22 MS. ERIN PRITCHARD: Yes. It takes --
23 I think it takes some time.

24 DFO ANDA RAY: So you're just saying
25 this is a priority and that we need to look at our
1 enforcement? 242

2 MR. JOHN WILBANKS: Yes, that's what I
3 am saying.

4 MS. REBECCA TOLENE: I think you're
5 making a good point that enforcement is an issue.
6 From the legal side I saw that on their list,
7 developing regulations, what that would really do for
8 you as a priority is make it very clear to the public
9 what your rules are on your land.

10 There is some issue with us there, you
11 know, we have internal guidelines and watershed teams
12 who communicate, but putting something in the CFR's
13 would make it very clear that this is what TVA thinks
14 you can and can't do.

15 Your question about the National Park
16 Service, they do have federal laws that govern park
17 service properties that they are enforcing. We do
18 not have those similar laws on TVA lands.

19 So what I have not figured out, and I
20 will just be frank from the legal standpoint, we
21 would have legal regulations but that would not in
22 itself give us citation authority because we would
23 not have a statutory basis for that.

24 I think as the property owner we could
25 work with the U.S. Attorney's Office to figure out
1 what we could do, but we have not gone down that
2 road. So one thing of putting this on the priority
3 list would be that would be something for us to
4 explore.

5 I just didn't want to leave you with
6 the impression that we'd just put it in the federal
7 regulations and then, by George, the TVA police can

8 go out there and haul somebody in. It doesn't
9 exactly work that like, but we could promise you to
10 go down that road and see what we could do and what
11 we could come up with.

12 Does that help?

13 MR. JOHN WILBANKS: Thanks.

14 FACILITATOR WILSON TAYLOR: Renee.

15 MRS. RENEE HOYOS: I was just
16 thinking, is this going to require federal
17 legislation? That would be my guess.

18 MS. REBECCA TOLENE: You know, we have
19 regulations for our 26(A) authority, which is in the
20 TVA Act. There are some provisions in the TVA Act
21 generally speaking about stewardship. I don't think
22 creating federal regulations governing our land use
23 is required, nor do I think we would have to have a
24 statute in order to do it.

25 MRS. RENEE HOYOS: To do enforcement?

244

1 MS. REBECCA TOLENE: The enforcement
2 of it, my on-the-fly legal theory, and this always
3 gets me in trouble, what we have done to date is as a
4 landowner we have taken actions. That's what Erin
5 was talking about with trespass and things like that,

6 and we do that in the Federal Court.

7 So I think there is a link we could do
8 there whereas our TVA police could have something on
9 the ground where they give someone something saying
10 that we're turning this over to the U.S. Attorney,
11 you have trespassed on federal property and you're
12 undertaking activities that are not permitted and we
13 can see how that would work out.

14 I have to stop there and say I have
15 not explored that yet, but I think, to answer your
16 question, I do not think we would have to go to
17 Congress and say, we need additional statutory
18 authority. It's always great sort of when they look
19 at it, but that's where we are.

20 CHAIR MR. TOM LITTLEPAGE: John, I
21 think you had a question, but just real quick, one of
22 the things, I guess, we have emphasized with regards
23 to the things we have looked at on the Council is
24 consistency across the Valley.

25 So does this issue translate itself
1 into, if you're in one state and you're treating 245
2 situations a little differently because you have
3 local -- either local resource agencies or local

4 statutes that the TVA staff can call on to get a
5 higher degree of compliance than in other areas?

6 MS. REBECCA TOLENE: Yeah. And I will
7 try to keep this conversation on a higher level and
8 it may be something the Council wants to talk about
9 one day, but the TVA police, there is a section in
10 the TVA Act that governs them, but by and large what
11 the TVA police do out there on a daily basis is we
12 have agreements with most local police departments
13 and state police departments and so we're enforcing
14 those laws on the ground, unless there's a federal
15 law someone has violated. So that does make some
16 inconsistencies.

17 Whereas, in the -- and our poor police
18 officers who have to know, you know, which lines they
19 are on at which time, they do an excellent job of
20 that. When I get that call it always scares me, but
21 they do really great of knowing where they are at
22 what time, but it does create some inconsistencies
23 whereas you can pursue this statute in this county or
24 this state and when you cross over into Alabama
25 things are different, and it does create some issues.

246

1 CHAIR MR. TOM LITTLEPAGE: And that

2 may be something the Council would say, for example,
3 that there needs to be a better level of consistency,
4 whether that means that there is even federal
5 legislation required or whether we can do it through
6 regulatory channels, we'd just kind of leave that up
7 to the staff, but I think as a voice we can, you
8 know, say that's something that's needed or not
9 needed.

10 FACILITATOR WILSON TAYLOR: Rebecca, a
11 question. Erin had -- Liz has up there, pursue CFR's
12 around enforcement, is that really what you would be
13 talking about?

14 MS. REBECCA TOLENE: That's right.
15 And we can look into that. I think what we would do,
16 I mean, we all recognize, based on your conversation
17 this morning, you guys are where staff is. There is
18 a lot of information and a lot of activity, but we
19 can pursue at point ideas and concepts and bring back
20 results from those.

21 So we would look into that, if you
22 guys think it's a priority, and see what we can do
23 and then bring that back to you guys to have further
24 discussions with.

25 I mean, I think today right now really
247
1 what we're looking for is, how would you go about
2 prioritizing these things? What do you think is
3 important and least important knowing we have to do
4 some prioritization?

5 FACILITATOR WILSON TAYLOR: Thank you.

6 CHAIR MR. TOM LITTLEPAGE: Has anybody
7 got anything else on this?

8 Before we leave this, I guess, are we
9 sort of going down a path where we're encouraging TVA
10 to look at developing a ranger cadre or something?

11 I mean, I am kind of struggling. We
12 have heard some discussion about national parks and
13 the difference between a police and a ranger
14 function. I mean, that's sort of headed towards --
15 and again, thinking about not only where TVA is
16 today, but the increasing use, congestion,
17 competition for access to these places and we're
18 going to see, I think, the staff be put into tighter
19 and tighter situations. So I'd just throw that out
20 as a thought.

21 Russell.

22 MR. RUSSELL TOWNSEND: I was just

23 going to say that I don't know all of the
24 ramifications of police versus rangers, and I do know
25 that, you know, one of the things that we have spoken
1 about with TVA again and again is ARPA enforcement²⁴⁸
2 and how important that is and probably more manpower
3 needs to be devoted to that.

4 I think the thing I'm getting from our
5 conversation on the access and boundaries, and you
6 have said it well Tom and Dr. Keller made a good
7 point, I think it's obvious it has to be a very high
8 priority because it gets to the heart of stewardship.

9 And not only is it just -- it can't be
10 just about denying access and controlling access, it
11 has to be about making access available. So when you
12 look at boundaries, we're not talking about just
13 boundaries on the grounds, we're talking about
14 enforcement of behavioral boundaries as well.

15 So I don't know that we want to move
16 on to other things, but I think this is one of the
17 highest priorities because if you have ATV activity
18 in an area, that can reduce water quality, that can
19 hurt your plant life, your aquatic species. It can,
20 you know, rut out the road and damage archeological

21 sites, but, you know, you want to make the land
22 accessible for the people as well.

23 So there needs to be, I think, a
24 development of activity use. You know, we have
25 talked about that before but maybe this -- from this 249
1 stage you go forward and really talk about where
2 those things are to occur.

3 CHAIR MR. TOM LITTLEPAGE: Bill.

4 MR. BILL FORSYTH: I know from my
5 local area and from listening to the discussions
6 here, there doesn't seem to be as much need for a
7 police presence as a ranger presence, more
8 educational and looking after resources.

9 In my part of the world, there's not
10 any need for the TVA police, but there's a lot of
11 need for TVA rangers.

12 CHAIR MR. TOM LITTLEPAGE: I'd just
13 throw that out for us to think about, and I intend to
14 agree with what Bill said.

15 Let me ask the staff a question. We
16 have got these -- just to make sure we're on a --
17 sort of on a track here. We have got the things, I
18 think, Anda rightfully has sort of helped pull out.

19 If we talk about these things and kind of flavor what
20 we mean in the context of these, I mean, I'm not
21 envisioning that we're trying to prioritize these
22 necessarily, but we're trying to develop these in a
23 way that they can be applied to each of the
24 activities.

25 So I throw that out to the staff. Is
1 that helpful in this process? Are we going down the ²⁵⁰
2 right path for this as opposed to doing something
3 that maybe is not as helpful as if we were doing
4 something else?

5 MR. HILL HENRY: I think that's a
6 sound approach, you know, because ultimately we're
7 going to have to come in here and look at the
8 activities as we categorize them. You know, for
9 instance, endangered species management, we have got
10 to do that.

11 When we look at aquatic ecology
12 management, do we have to do that? Is somebody else
13 already performing that role?

14 You know, we have several state
15 agencies out there that do those types of activities.
16 Do we need to be doing them? I want to see that more

17 as a partnership opportunity.

18 So that will be your challenge, I
19 think, is step back and think about that saying, TVA,
20 do you need to be doing that or -- and is it
21 currently being done as we work through here?

22 Does that answer your question?

23 CHAIR MR. TOM LITTLEPAGE: Yeah. I
24 guess what that translates to me, and I would throw
25 this out to the Council, is that today what we're
1 going to do is talk about these areas and try to kind 251
2 of define what we mean by these terms and how they
3 may be applied to specific activities and then
4 potentially let the staff digest that and then come
5 back in a future meeting and try to refine these in
6 terms of the -- to the degree you can get to a more
7 specific prioritization.

8 I guess I will throw that out to the
9 Council and see if I am kind of speaking for myself
10 or have I got consensus here?

11 MS. DEBORAH WOOLLEY: When I look at
12 them I think it's hard to say that anything is not a
13 high priority.

14 CHAIR MR. TOM LITTLEPAGE: I agree,

15 yes.

16 MS. DEBORAH WOOLLEY: I mean, we can
17 sit here for hours and things that I sit here and
18 think aren't that high priority, I am going to listen
19 to other Council members and I'm going to say, yes
20 they are.

21 To me it's kind of like eating that
22 elephant one bite at a time. Where do you start? If
23 you -- and I agree totally with what the people have
24 said about access and boundaries. If you don't know
25 what you have and you don't know where it is and you
1 don't know how it's controlled and how it's used, you²⁵²
2 can't do anything else well. So to me you do that
3 and then you start looking down the others to say
4 what flows naturally.

5 Some may be done with partnerships
6 now. So it's really just maintaining awareness that
7 it's being done. Others may not be done with
8 partnerships, but there may be partners who can step
9 in and, I don't know, do trail maintenance. I don't
10 know what it is.

11 To me to do it well it -- and Anda,
12 going back to what you said, you do a lot of things

13 but nothing real well, how do you start doing it
14 well?

15 And if you start out by knowing where
16 you are you and who you are and what you are, what
17 you have got, then what flows naturally from that?

18 It may be a little bit of all of them
19 because the next element of one may follow from that.
20 So to me I would have to go that way because I would
21 go forever and never say anything is not a priority.

22 DFO ANDA RAY: If I can just thank
23 you-all very much for dealing with this subjective
24 approach. For those of you who are analyticals, this
25 must be extremely painful, I recognize that.

253

1 Believe it or not, I think if we can
2 go through these with very much of what you just said
3 and understand your flavor, but really if you have a
4 fashion, like Russell did, that is really important.

5 I never before I came in here this
6 morning would have thought that you would have put
7 access that high because I didn't think of it the way
8 you were thinking of it. So that is actually very,
9 very helpful.

10 When we come back to you for the

11 analytics, I think we will be able to have something
12 a little bit more methodical and process oriented,
13 but right now this is really, really, really
14 important discussion.

15 So if we could go through there and
16 hear what you have to say about those. I think,
17 Deborah, that gets to your point. It will help us
18 better understand.

19 MS. DEBORAH WOOLLEY: Can I ask a
20 question because this is going to be a real dumb
21 question. How do you differentiate forest and plant
22 management from overall natural resource and wildlife
23 management?

24 DFO ANDA RAY: Believe it or not,
25 that's why I said, staff, I need help from him.

254

1 MR. HILL HENRY: That's a very good
2 question. We have to step back and think a lot of
3 this stuff is -- they're interrelated. So there's
4 oftentimes not a clear cut that forestry relates just
5 to this.

6 I mean, when I think about forestry
7 I'm thinking about the management of timber and that
8 type of thing, forest health, and -- but, you know,

9 as I mentioned yesterday, it can be intertwined with
10 greenhouse gas management. Okay. So, you know, we
11 can address specifics like that as we go if you'd
12 like.

13 DFO ANDA RAY: Hill, would it help if
14 we change that plant management to non-invasive or to
15 invasive plant management? Is that any -- does that
16 help at all to differentiate between that bullet and
17 the wildlife management and natural resource or not?

18 MR. HILL HENRY: It does. Again, it's
19 the interrelated part of this. Forest management can
20 be wildlife management, too. And so -- and I had a
21 hard time when I had to do this presentation of
22 going, where am I going to put this in these four
23 blocks, because it bleeds into each one of the
24 blocks.

25 So I think the way you've got them now
1 is good, but if, you know, you want us to clarify ²⁵⁵
2 some of that, you know, that's what we're here for
3 and we can help guide that.

4 Again, as I step back and look at
5 this, you know, you are exactly right, access
6 controls and boundaries, that's a fundamental

7 resource management activity, fundamental. You have
8 got to start from there, but you have also got
9 activities like, you know, we can have great
10 boundaries and we can have great access points, but
11 if we're not out there picking up the trash, no
12 matter how well we do those other activities, it's
13 not going to look good, plain and simple.

14 It's like you pointed out yesterday,
15 that kiosk needed a new paint job. The materials in
16 the kiosk were faded. It needs to be updated. We
17 need somebody that goes around and looks at those and
18 spot check them every so often throughout the Valley.
19 They need to go look at those assets real quick to
20 make sure they're in good condition. That's the kind
21 of thing, I think, we might need to think about.

22 You know, your ideas about rangers are
23 interesting, but I am also sitting here with it in
24 the back of mind going, how are we going to implement
25 that? Where would we house those guys? Then we have
256
1 to address workforce issues.

2 CHAIR MR. TOM LITTLEPAGE: Yeah. It's
3 a paradigm shift, you know, we're going to do things
4 completely differently.

5 MR. HILL HENRY: And we're open to

6 that. Okay.

7 FACILITATOR WILSON TAYLOR: Let's hear

8 from Kelly.

9 DR. KELLY TILLER: I just wanted to

10 comment that I think that plant management is broader

11 than just invasive species and non-invasives, and it

12 also encompasses conservation and much broader stuff.

13 DFO ANDA RAY: Right. Right.

14 FACILITATOR WILSON TAYLOR: Renee.

15 MRS. RENEE HOYOS: Yeah, that was --

16 you have made some excellent points. In fact, I just

17 really appreciate everything that everybody has to

18 say because I never thought about it.

19 At first I thought, well, access and

20 boundaries, you know, why are we talking about that?

21 Why aren't we talking about forest resources?

22 The network has a very big emphasis on

23 enforcement, and I think that plays into the

24 boundaries issue. You can have a plan, you can have,

25 you know, these access points and these boundaries,
257

1 but if you don't have an enforcement component that

2 is out there watching for litterers, watching for --

3 you know, making sure that laws are enforced, often
4 those things don't ever get implemented. The rules
5 don't get implemented. The plans don't get
6 implemented because the place has gone out of control
7 without enforcement.

8 So from our perspective enforcement is
9 really almost one of the most important things for
10 resource management, and I would encourage us to put
11 that up with boundaries. You know, I understand all
12 of the issues around rangers and that kind of thing,
13 but I really think if you've got a good workforce out
14 there and then they are going, well, that kiosk needs
15 a paint job, we need to repair that boat ramp, and so
16 some of that stuff gets managed along with that.

17 Of course, how are you going to fund
18 that? I guess we don't have to worry about that,
19 right?

20 FACILITATOR WILSON TAYLOR: Exactly.
21 This is advice.

22 MRS. RENEE HOYOS: Excellent.

23 FACILITATOR WILSON TAYLOR: Jean.

24 MRS. JEAN ELMORE: The word that keeps
25 echoing in my mind, and I know it's broad, but is

1 consistency. If we can be consistent across all of
2 it, have that to run through it, it might simplify it
3 instead of it being all over the creation and rules
4 go for this and another set of rules go for this and
5 another for this.

6 FACILITATOR WILSON TAYLOR: Thank you.

7 MR. HILL HENRY: Any other questions?

8 Okay.

9 CHAIR MR. TOM LITTLEPAGE: Let's move
10 in to the public education. Has anybody got any
11 initial thoughts on this?

12 John.

13 MR. JOHN WILBANKS: Well, education is
14 rules and regulations. You know, TVA, I have been
15 around the reservations, you don't see a lot of signs
16 telling what you can do or can't do. That adds for
17 confusion. I know no one likes a lot of signage
18 everywhere, but we need to educate the public on what
19 they can and can't do on a reservation or TVA
20 property.

21 If they knew that like -- you know,
22 what do you call them, bandit campers and people like
23 that, they know they camp on only designated sites, I

24 think that is important as well as, you know, the
25 other obvious public education and environmental
1 education and educating people like, you know, nature 259
2 on the reservoirs. So that's just my point on that.

3 CHAIR MR. TOM LITTLEPAGE: Other
4 thoughts?

5 Bill.

6 MR. BILL TITTLE: Here we go on a
7 tangent. After the last meeting I went back very
8 enthusiastic about what I had heard, very
9 enthusiastic about what Carol is doing up in East
10 Tennessee, and I went back and talked to some people
11 and said that we need to form a group for the
12 reservoir, Chickamauga and Nickajack. I am not sure
13 I understand the watershed areas, but I think there
14 are a lot of partners.

15 If we work on plans for improving the
16 plans around the reservoirs and around the watershed
17 areas, I think there are many partners who could
18 assist TVA in some of these initiatives. I think
19 they are willing to do that if only they understood
20 what that need was.

21 When you talk about law enforcement,

22 across all areas TVA depends on local, state, federal
23 and other agencies to assist them in their law
24 enforcement efforts, and that's true for the ranger
25 efforts, too.

260

1 I think that TVA has done such
2 marvelous work, I think you have a foundation and the
3 basis to do a plan for each of the areas and I think
4 that you have the basis with what we have and what we
5 received in the past for a workbook to take back and
6 get the right group together with people high enough
7 on the food chain to make some decisions in these
8 general areas and that we can take this workbook
9 concept and go through it and bring people together
10 to help TVA with a planning process for each of these
11 areas and then lean on those groups to identify the
12 partners who can assist TVA with all a lot of these
13 initiatives. The ranger is one and the plant
14 forestry management is another.

15 There are many, many folks at all of
16 these areas who are addressing different parts of our
17 concerns for TVA already, and I think they would be
18 more than willing to partner with TVA and expand -- I
19 think there's synergy to be developed in every area

20 of that we cover with the TVA system.

21 FACILITATOR WILSON TAYLOR: Kelly.

22 DR. KELLY TILLER: It seems to me that
23 this is very broad and it seems like what's
24 encompassed here really is three different types of
25 education, and one -- the type I think John is
1 talking about is part of that enforcement. I mean, 261
2 education is sometimes the cheapest way to enforce
3 and sometimes the most effective way to enforce. So,
4 you know, there's one element of education that is
5 part of enforcement and part of access controls and
6 things.

7 You know, another kind of education
8 then is the staff education that's listed there, you
9 know, that's almost more internal communication,
10 making sure everyone understands what those rules and
11 boundaries are and how to communicate them.

12 Then the third type is this more
13 public education and outreach. In my opinion, that's
14 where these partnership opportunities are so
15 important. I mean, we saw a demonstration yesterday
16 of some -- just a wealth of knowledge among some of
17 the TVA staff, you know, who have great information

18 to share with the public, but are they the most --
19 they themselves the most -- is that the most
20 effective way to share that information or is it to
21 partner with others and try to download that
22 information and make it more available, whether it's
23 providing curriculum or, you know, other resources to
24 kind of train the trainer?

25 So it seems to me that when it comes
1 to that third type, that having TVA be a resource for ²⁶²
2 education and maybe not necessarily the deliverer of
3 the outreach and education in all cases may mean
4 more -- you might get better bang for your buck that
5 way.

6 FACILITATOR WILSON TAYLOR: Thanks.
7 Carol.

8 MRS. CAROL DOSS: To follow up on what
9 they said, that's what we do in my area. You know,
10 TVA is really the catalyst, but we have all of these
11 partners working together and doing the public
12 education in schools and the community campaigns and
13 things like that, and that really works well having
14 TVA to partner and put their efforts together. It
15 makes a big difference.

16 CHAIR MR. TOM LITTLEPAGE: Other

17 thoughts?

18 Do y'all kind of agree with what Kelly
19 said with regards to sort of the breakdown of the
20 focus for education? Does that kind of make sense?

21 I think you captured the thought well
22 that -- in the sense that education may be one of the
23 cheapest ways to get to some enforcement
24 capabilities. So that's sort of a takeaway thought
25 from that for me.

263

1 Any other thoughts on education?

2 Okay. Go ahead and move to the next
3 one.

4 FACILITATOR WILSON TAYLOR: The next
5 item, planning condition assessments, performance
6 database.

7 Anda, could you give us a bit of a
8 recap of what you had in mind there?

9 DFO ANDA RAY: Yeah. Land condition
10 assessments is where you go and you're looking at --
11 in fact, it was when you did that tour with Jason, I
12 think, the last time and he was explaining to you how
13 they calculated the condition of those particular

14 trails of the lands themselves.

15 So it's evaluating the health of the
16 land for its intended use and then looking at the --
17 that goes somewhat to the performance of the land,
18 that's a land issue assessment, but then if it's an
19 actively managed area you would look if it's meeting
20 certain criteria. In that case it gets to the
21 performance of how you're managing the lands in
22 active management, say, dispersed recreation, and are
23 the trails kept clean so that you can use it.

24 And then the database is -- was
25 related to the heritage database, where are these
1 archeological sites, so that we can make sure that we ²⁶⁴
2 protect them. Where are the species? I think that's
3 what I was meaning.

4 If anybody has anything to add, please
5 do it. It's kind of the -- it's kind of the planning
6 administrative at your desk, except you have to go
7 out there, but it's kind of figuring out what you
8 have.

9 CHAIR MR. TOM LITTLEPAGE: Deb.

10 MS. DEBORAH WOOLLEY: When I look at
11 this category the way Anda just talked about it, it

12 kind of falls in the same category as access and
13 boundaries. If you don't know what you have, if you
14 don't know where it is, if you don't know what you're
15 doing with it, then you can't measure what you're
16 accomplishing or decide what you need to do.

17 To me -- and I don't know how that
18 fits into, you know, a long range 20-year plan
19 because really what we're talking about is baseline.
20 We're talking about knowing where we are and what we
21 have. When you -- and to not have that means it has
22 to become a priority. You have got to get there
23 somewhere.

24 If you get those two things, if you
25 know where it is, how you're going to have access to
1 it, what the rules are, what the conditions are, what
2 you're going to do with it, then you look at these
3 other categories and start going down the road with
4 what you need.

5 So if it doesn't exist to me it's a
6 priority, but when I look at what I would like TVA to
7 be putting out there as to what they're going to do
8 for environmental stewardship in the Valley, I don't
9 really see this as a priority because to me it's just

10 a basic fundamental thing that has to be done and
11 maintained.

12 FACILITATOR WILSON TAYLOR: But would
13 it be a priority to have it out there, that would --

14 MS. DEBORAH WOOLLEY: I think it's a
15 priority to have it if you don't have it, a very top
16 priority.

17 MR. RUSSELL TOWNSEND: I don't know
18 that there's much I can add to what Deborah just
19 said. I agree with it wholeheartedly.

20 I was very impressed the last field
21 trip we went out with. TVA had kind of systemized
22 the land reviews and evaluations. It addresses a
23 wide range of categories and kind of assesses the
24 impacts very, very well. I think it should be a
25 priority that TVA continue to do those kinds of
1 things for all the reasons Deborah stated. 266

2 CHAIR MR. TOM LITTLEPAGE: One of the
3 things -- I guess I will just throw this out. I was
4 struck yesterday when we heard from three or four
5 different presenters talk about databases and IT
6 systems and the need to capture and have those -- and
7 I guess without getting into TVA's internal

8 management structure, it appears like there needs to
9 be some efforts to make sure the right people had the
10 right access to the information and that it's not
11 getting stovepiped.

12 Sometimes in organizations you can
13 have a lot of information but it gets stovepiped to
14 where it's within one functional area and it doesn't
15 get shared. Certainly as you -- as all of our
16 organizations start to use more and more GIS and
17 spatial data, having that information cross-shared is
18 important.

19 So I'd just throw that out as, I
20 think, something like Deb talked about. It's a
21 baseline of information that you have to have
22 fundamentally to work and just make sure it's being
23 managed as efficiently as possible, that the right
24 people have access to the information.

25 Other thoughts or issues on that?

267

1 I guess what I'm hearing is that
2 there's a general agreement that it's one of those
3 sort of an internal priority to make sure you have
4 the right levels of information in these assessments,
5 and I think it goes back to what Jean said, that it

6 helps you have a baseline of consistency in terms of
7 how you're evaluating conditions across the Valley.

8 FACILITATOR WILSON TAYLOR: Any other
9 thoughts or do we go to the next one?

10 CHAIR MR. TOM LITTLEPAGE: I think we
11 go.

12 FACILITATOR WILSON TAYLOR: Okay. The
13 next item is --

14 CHAIR MR. TOM LITTLEPAGE: Again, I
15 think the thought here was to look at outside areas
16 in terms of developing -- well, let me not
17 capture what you're -- trying to distinguish between
18 that one and the following one, this one has to do
19 with the priorities for how these areas are treated,
20 I guess.

21 FACILITATOR WILSON TAYLOR: Kelly, any
22 thoughts on that from your experience? I know you
23 and Hill had a conversation a minute ago about the
24 differentiation.

25 Did we capture the essence of the
1 differences there? 268

2 DR. KELLY TILLER: Yeah. I think my
3 point earlier was just that this is broad and

4 comprehensive. This is not, you know, just invasive
5 species or other things. This is very broad.

6 In my opinion, this is one area where
7 TVA is positioned like really no other group or
8 organization is to take a leadership role in some of
9 these areas. You know, it's 293,000 acres to manage
10 that's a significant impact on the natural
11 environment.

12 So this is an area where through the
13 appropriate use of conservation planning and
14 stewardship to manage for multiple uses and benefits
15 because it's just a real opportunity that TVA has in
16 making that a priority is important.

17 FACILITATOR WILSON TAYLOR: Okay.
18 John.

19 MR. JOHN WILBANKS: A question, how
20 much -- how much money or resources are spent on
21 forest management? Do y'all have a whole crew that
22 does nothing but --

23 DFO ANDA RAY: TVA used -- that used
24 to be a priority for TVA back in the '80s, and now
25 there's really not much that's been put in. In fact,
1 I think we do -- I think the only thing we may look

2 at is if somebody -- if someone encroaches on our
3 land and cuts down timber, we may have a management
4 plan for them to replant, but it's not a point of
5 issue.

6 MR. JOHN WILBANKS: Because the forest
7 is -- the forest can dictate everything else really,
8 you know, all of the species that depends on it. So
9 you can have vast environmental changes with a loss
10 of the southern pine beadle or the hemlock. I just
11 don't know if you-all are dealing with any of that.

12 Like your hemlocks, do they deal with
13 that now?

14 MR. HILL HENRY: We have a botanist
15 who is very well apprised of that issue, but in terms
16 of us actually managing --

17 DFO ANDA RAY: Come to the microphone.
18 It's not on.

19 MR. HILL HENRY: Let me just go up to
20 the front. Like I was saying, we have a botanist, a
21 very well trained botanist who does keep abreast of
22 those types of issues.

23 In terms of a forestry group that goes
24 out and manipulates stands and things like that, we

25 don't have that. We have had that in the past to a
1 great extent, but as goals and objectives for 270
2 management have changed and been involved over the
3 decades, that program has kind of gone away.

4 We do have the infrastructure in place
5 to accommodate that type of activity. So that's why
6 it's one of the things we're trying to propose.

7 MR. JOHN WILBANKS: You know, Woolly
8 Adelgid is changing the whole ecology of place
9 sections of the bark. The same thing is going to
10 happen in your properties as well. I would think
11 that you-all would try to be a little more proactive
12 or should be more proactive.

13 MR. HILL HENRY: We have seen some
14 outbreaks of it and we have identified where some of
15 those are, but in terms of us actively going out and
16 treating or anything like that, we haven't done
17 anything like that.

18 FACILITATOR WILSON TAYLOR: Deborah.

19 MS. DEBORAH WOOLLEY: To me when I
20 look at your forest management and what you've said,
21 now there's a couple of issues in there. One is the
22 one you mentioned earlier, which is greenhouse gases.

23 However, that becomes a significant federal issue.

24 However TVA ends up looking at how
25 they manage that part of their portfolio, this could
1 move from being an environmental management tool to a²⁷¹
2 power-related bottom-line tool.

3 Beyond that to me, this is an ideal
4 area, it would seem, for a lot of the research
5 projects, too, not necessarily for partnerships, not
6 necessarily just for TVA to be doing them, but
7 whether it's looking at some -- you know, the hemlock
8 problem, whether it's looking at the different
9 effects of forests on species, on undergrowth, on
10 watersheds, on erosion, you-all have in these almost
11 300,000 acres a lot of outdoor laboratories. To me
12 you could gain a lot of support, a lot of
13 partnerships, take a leadership role, to a certain
14 degree, in working with people to do that.

15 That may be just a full-time
16 management resource for TVA because it could -- I
17 mean, it could be real expensive managing these
18 little thin strands forest along the river because
19 it's not really a forest. It's 20 feet, 40 feet.

20 DFO ANDA RAY: So it would be making

21 TVA land available for other researchers to come in
22 and look at ways to better manage?

23 MS. DEBORAH WOOLLEY: I think I am
24 probably getting way above my pay grade here.

25 DFO ANDA RAY: Okay.

272

1 MS. DEBORAH WOOLLEY: But whether it
2 was UT or the National Forest Service or whatever, I
3 would think in partnership with UT a utilization of
4 these federal public lands you could find areas that
5 you manage certain strands, certain forests to work
6 for this and that TVA would garner a lot of credit
7 and do a lot of good with it, but maybe not dig
8 deeply and directly just into TVA resources.

9 FACILITATOR WILSON TAYLOR: Kelly.

10 MS. DEBORAH WOOLLEY: And even into
11 the management plans on top of it.

12 MR. HILL HENRY: Like a demonstration
13 unit or something like that with UT.

14 DR. KELLY TILLER: I think that's a
15 lot of what I wanted to say is that there are a lot
16 of other agencies and groups out there, you know. So
17 you have -- in states in Tennessee you have the
18 Department of Agriculture. At TDEC you have the U.S.

19 Forest Service and a research station. You have
20 TWRA. You have lots of groups that also have an
21 interest here and intersect.

22 So making it a priority doesn't
23 necessarily, I don't think, have to mean that TVA has
24 to do it and do it alone, but it's just making it a
25 priority to work towards these common objectives.

273
1 CHAIR MR. TOM LITTLEPAGE: I guess I
2 want to make sure that -- the thought hit me, and I
3 guess, Kelly, you said it earlier. The thought is if
4 you look at activities as sort of encompassed by this
5 general category, it seems like we've heard a theme
6 that these may be areas where TVA can sort of set the
7 standard or go above and beyond, you know, look at
8 ways.

9 They are meeting the baseline
10 requirements in these areas, but it may be that these
11 are opportunities for TVA to really establish a
12 strong presence in general. So you may -- I guess
13 I -- I think you had said something along those lines
14 earlier.

15 DFO ANDA RAY: Let me ask this: In
16 this area would you see TVA as making these lands

17 available for biomass, for short rotation weather
18 crops? Would you consider that part of this category
19 for plant management?

20 DR. KELLY TILLER: I would.

21 MS. DEBORAH WOOLLEY: Because that is
22 a plant management technique.

23 CHAIR MR. TOM LITTLEPAGE: I guess I
24 am thinking about like Deb said is a lot of those
25 that are sort of based research partnerships where
1 they are doing that not necessarily as a production 274
2 process but as a learning and scientific research
3 process.

4 MS. DEBORAH WOOLLEY: Which gets back
5 to the question of data and baseline.

6 FACILITATOR WILSON TAYLOR: And goes
7 back to Bill's point about educating people more by
8 creating these partnerships and you have more
9 opportunities for education. I think Carol mentioned
10 that as well.

11 Anything else on that item?

12 CHAIR MR. TOM LITTLEPAGE: Before we
13 start into the next one, what we talked about doing
14 is that we have got a 10:00 public session, and I

15 don't think anybody has signed up yet, but maybe as a
16 preparation rather than it starting this, we will
17 take a short break, a five- or ten-minute break, and
18 then we will see if anybody has signed up for the
19 public comment period and then, if not, we will come
20 back and pick up.

21 Does that sound okay?

22 (Brief recess.)

23 CHAIR MR. TOM LITTLEPAGE: Okay.

24 We're going to go ahead and reconvene. There are no
25 requests for a public comment period. So what we're
1 going to do is continue our discussion that we had²⁷⁵
2 started before the break, but before we get back to
3 that Anda wants to say a couple of comments.

4 DFO ANDA RAY: Well, I think you-all
5 just really impressed on Pat Ezell that you wanted to
6 see the video. So we've given you this video, Built
7 for the People. It was put together by some
8 award-winning producers from the Documentary Channel,
9 and it was sponsored by TVA retirees.

10 It's a very objective perspective with
11 about six interviews from different people who have
12 participated in TVA's past. So it's not a publicity

13 piece, and it was shown on the Documentary channel,
14 oh, probably four or five times. So I hope you enjoy
15 looking at it.

16 CHAIR MR. TOM LITTLEPAGE: And I had a
17 chance to see it on PBS. So it actually got wider
18 distribution than the Documentary channel. I don't
19 think Pat is in here, but anytime you view it I'm
20 sure she will be glad to come by and watch it because
21 her name shows up in the credits. It's kind of a
22 neat thing when your name shows up in the credits.

23 FACILITATOR WILSON TAYLOR: Okay.

24 Mr. Chairman, we have two more items on this list
25 that Anda gave us on the list of six to consider.

276

1 The next question after that in this category was:
2 What programs and activities do the Council consider
3 as low priority, and I think based on the way the
4 discussions have gone that may or may not be
5 something we need to talk about. We need to just
6 talk about these last two bullets and then go to --

7 CHAIR MR. TOM LITTLEPAGE: Wait. Say
8 that again.

9 FACILITATOR WILSON TAYLOR: We have
10 two more bullets that Anda has brought up in terms of

11 six in the natural resource area. We had asked
12 earlier about prioritization in terms of low
13 priority, but the way this discussion has gone I
14 think we could probably not talk about that question
15 right now. So I think the only thing we have to do
16 is those last two bullets in this category.

17 CHAIR MR. TOM LITTLEPAGE: Yeah.

18 That's fine. Anybody, just taking this first one
19 here looking at the maintenance of trails?

20 One of the general comments, I guess,
21 I would make with regards to probably all of the
22 bullets, but certainly these last two, is not only do
23 I think staff have to have an appreciation for
24 maintaining what's out there now and understanding
25 that, but I think these are areas where you really
1 have to look at the growth that the Valley is going
2 to see and the congestion that that's going to bring
3 and try to take a proactive approach to how you
4 manage this, knowing that there's going to be a
5 significant increase or competition for usage of
6 these areas, especially recreational areas.

7 How do we set up a framework to help
8 the staff evaluate how to prepare and manage and do

9 that in a way where it truly maintains it for future
10 generations? I'd kind of just throw that out as my
11 personal perspective.

12 But with regards to the trails issue,
13 any comments or perspectives that you want to throw
14 into this mix?

15 FACILITATOR WILSON TAYLOR: Mark.

16 CHAIR MR. TOM LITTLEPAGE: Mark beat
17 Russell just by a hair.

18 MR. MARK HOMMRICH: I think one of the
19 slides we saw yesterday where you got public comment,
20 that recreation was pretty high on the list of
21 priorities. So I would say that this is an important
22 point and one that needs to be emphasized. I think
23 it's an opportunity for education also that, you
24 know, we discussed earlier.

25 CHAIR MR. TOM LITTLEPAGE: Russell.

278

1 MR. RUSSELL TOWNSEND: I was just
2 going to say that I think that this kind of feeds
3 back into the site assessment process and that those
4 trails and recreation areas that are degraded to the
5 point that they are causing other environmental
6 issues, erosions, things of this nature, those are

7 the issues or the locations that TVA should place on
8 priority and maintenance.

9 FACILITATOR WILSON TAYLOR: John.

10 MR. JOHN WILBANKS: I agree. You are
11 your trails and your maintenance are what you are and
12 how you are perceived for the users. If your trails
13 or your recreational facilities are poor or in a
14 state of maintenance, then that's the perception that
15 people have. For some people, that's the only
16 perception they see of TVA.

17 So instead of degrading the experience
18 for people, we need to be being good stewards of what
19 we already have. I think we have invested a lot of
20 money in trails and recreational facilities or
21 whatever, but we need to take care of what we have
22 got.

23 I mean, it's just throwing -- we don't
24 want to throw good money after bad when it gets into
25 such a deteriorated condition. So I agree that
1 maintenance needs to be a high priority for being
2 good stewards of, you know, the public's money.

279

3 CHAIR MR. TOM LITTLEPAGE: And there
4 was an issue made yesterday looking at do we charge

5 annual or provide a lifetime fee structure that would
6 allow people to partake of this, and I will say that
7 Commissioner Fyke, that was one of the things that he
8 had advocated.

9 It goes back to what we talked about
10 before we broke, if you're going to institute a
11 structure like that without having an enforcement
12 capability, I think, John, you have said this too,
13 without having the ability to enforce anything it
14 really sort of negatively impacted what you were
15 going to achieve with that process.

16 So I think as we look at specific
17 activities and approaches with regards to this, we
18 need to maintain a context of how it's going to be
19 implemented to be more effective.

20 FACILITATOR WILSON TAYLOR: Jean.

21 MRS. JEAN ELMORE: Having those trails
22 well maintained is just excellent PR for TVA, and we
23 need that always.

24 FACILITATOR WILSON TAYLOR: Okay.

25 Thanks.

280

1 John.

2 MR. JOHN WILBANKS: Along that line,

3 maintenance is money and I don't know how -- if the
4 maintenance budget for trails and rec facilities is
5 going up or down or whatever, but yesterday it was
6 mentioned that you generate what, a million and a
7 half dollars and user fees for various facilities and
8 that's what --

9 CHAIR MR. TOM LITTLEPAGE: It was
10 something of 1.7 or 1.5 that was thrown out.

11 MR. JOHN WILBANKS: Does that money
12 just go back into the general fund or does it go
13 towards the maintaining of facilities or what? Do
14 you know?

15 DFO ANDA RAY: Money is spongeable.
16 You could say it's covered in our budget, but does it
17 directly go dollar-for-dollar back into that same
18 facility, no.

19 MR. JOHN WILBANKS: I just wondered
20 if -- we are probably getting off base a little on
21 what we talked about here on the money, but I do
22 think down the road we need to -- money is an issue
23 we need to be looking at and ways of generating more
24 revenue for the maintenance. It could be direct-user
25 fees or however you want to do that. It's probably a

1 discussion for another day.

2 DFO ANDA RAY: And let me -- I will
3 make -- the dispersed recreation doesn't have fees
4 associated with it. Using a trail, it doesn't have
5 any. I think in some of the forest -- I mean, the
6 park services, they put lock boxes up and they don't
7 always work so well.

8 And then the fees that he's talking
9 about are a percentage. A lot of the percentages
10 that we get are from the leasing of the land to the
11 campgrounds and the marinas. It's a very small
12 percentage for the use of the land. Then we take
13 that money and you would say that that money goes
14 back into TVA's stewardship activities, not just for
15 that campground. They are supposed to use that money
16 they get from those campgrounds to maintain the
17 campgrounds.

18 MR. JOHN WILBANKS: I was just
19 wondering, like yesterday at Norris we saw the kiosk,
20 of course, there and other areas that needed work, I
21 mean, I'm sure the park and maintenance budget is
22 probably totally separate.

23 DFO ANDA RAY: For the kiosk?

24 MR. JOHN WILBANKS: Well, general
25 recreational maintenance, are they the same? Do you
1 have a big maintenance department, so to speak, that 282
2 covers the Valley?

3 DFO ANDA RAY: Okay. For TVA
4 facilities.

5 MR. JOHN WILBANKS: Any of your own
6 recreation or trails, any of that maintained by them
7 or is that another group that does it?

8 DFO ANDA RAY: Mostly it's another
9 group. We have some campgrounds that are TVA
10 campgrounds that are being handled by them and then
11 we manage them. We have a stewardship group, but
12 those are usually campgrounds on dam reservations.

13 I hear -- I heard her saying it's a
14 maintenance fee, where is the money coming from, how
15 is it getting funded, can we put some of the money
16 that we get on fees for campgrounds and marinas back
17 into dispersed recreation, boat ramps, trails.

18 MR. JOHN WILBANKS: Actually, it would
19 be good if we just look at how it's funded, how our
20 maintenance is funded, and there may be other ways
21 you want to do it or address the fees or whatever.

22 FACILITATOR WILSON TAYLOR: Renee.

23 MRS. RENEE HOYOS: This might be a
24 little bit in the weeds, but I was thinking that in
25 relation to the trails and trail maintenance, the
1 Smokies have the boxes and they bring in a lot of 283
2 money. I think I heard a number of something like
3 \$600,000 gets stuffed into those boxes every year,
4 and that all goes to trail maintenance.

5 Then I thought, well, I never hear
6 about TVA trails. I would never think to go hiking
7 on a TVA trail.

8 So perhaps if it does become a
9 priority that we should think about -- the staff
10 could think about really branding the trail system so
11 that it becomes sort of iconic, like the TVA
12 Heritage -- Network of Heritage Trails, however you
13 want to brand that. Then I think boxes might be a
14 really interesting thing to think about. Apparently,
15 vandalism is quite low in the parks.

16 DFO ANDA RAY: Enforcement. It goes
17 back to enforcement.

18 MRS. RENEE HOYOS: Yeah.

19 MR. JOHN WILBANKS: You ought to see

20 the size of the boxes, they are about that thick.

21 MRS. RENEE HOYOS: That's true. They
22 have gotten thicker.

23 DR. KELLY TILLER: As we think about
24 sort of these funding mechanisms and getting a little
25 bit off of our task, I think it's important to
1 recognize too the public value of the public benefit 284
2 of the public access requirements because living on
3 the Tellico Reservoir is probably as pronounced there
4 as anywhere, the eminent domain and the acquisition
5 of the lands and the responsibility then for those to
6 remain public and public accessible. So that's going
7 to be important. So voluntary-type mechanisms, I
8 think, will be higher priority and preferred over
9 forced.

10 FACILITATOR WILSON TAYLOR: Deborah.

11 MS. DEBORAH WOOLLEY: I am kind of
12 hearing what everybody says around the table and you
13 agree with it all. I agree with what Jean said
14 especially, that if you have boundaries and if you
15 started defining your lands, this becomes the face of
16 the TVA system.

17 To me what we're talking about in this

18 whole thing here is a little bit of a cultural change
19 because if you really do define boundaries and really
20 do databases and if you really start some significant
21 land resource management programs, then you're kind
22 of changing what Kelly is talking about, which is
23 this idea that it's really our lands.

24 You think of a national park and you
25 know what it is. You don't think of TVA as public
1 lands necessarily. It's just there and you can use ²⁸⁵
2 it or not use it. So if you successfully kind of
3 manage your database as you manage your boundaries,
4 you define your lands, and you start finding purposes
5 and reasons for them, then your public access part
6 comes through your recreation, your trails, and that
7 becomes not only the face of TVA but it becomes one
8 of your management tools because if you manage people
9 on trails you're not managing them into a sensitive
10 area.

11 So to me this just becomes a very
12 highly critical area if it's feeds into a whole plan
13 that takes you down that road. It's got to be a way
14 that, you know, makes people still feel that the
15 lands belong to the people of the Valley, but done in

16 a positive way I think the people of the Valley are
17 pretty much outdoor and environmentally sensitive
18 people and look to TVA as being kind of a hero in
19 doing this.

20 I do think it's a change of cultural
21 how you-all have been doing it and how the public is
22 going to perceive it.

23 CHAIR MR. TOM LITTLEPAGE: I think
24 Kelly, and I know Bill has talked about this in
25 previous Council meetings, the idea that this
1 provides recreational opportunities for a lot of
2 folks that would not otherwise have access.

286

3 So I think clearly the staff
4 understands that pressure to provide that, but at the
5 same time, especially as I mentioned before, looking
6 at what's coming in terms of growth congestion, how
7 do you do that in a way that protects and preserves
8 it appropriately because the idea of if we clearly
9 mark what's TVA's, and yet, it's a trashed-out site,
10 you have sort of undone a lot of public PR that you
11 would have otherwise gained.

12 So the -- and I think the public is
13 recognizing that there's a cost to do some of these

14 things, but it may be that it's trying to make sure
15 we utilize voluntary systems to the maximum extent
16 possible and education processes so that when those
17 costs come, and invariably they will, and when those
18 costs come, they are both as minimal as they need to
19 be and there's an expectation that TVA is doing this,
20 as Deb mentioned, as part of a preservation process.

21 MS. DEBORAH WOOLLEY: And I think part
22 of that leads back to what Renee said like a Heritage
23 Trail. I think of places that have gone to
24 environmentally sensitive areas where they have built
25 the boardwalk and I go through and I see sensitive
1 areas and I -- you know, I have paid to get into some²⁸⁷
2 of those. Some of those I've put money into
3 lockboxes.

4 I don't think of that when I think of
5 TVA. Yet, there are areas you have like that. There
6 are areas you're going to manage for reasons like
7 that. So bring that educational component in to me
8 raises the stature of the whole -- without taking
9 away just the general access, people that just want
10 to get to the lake or, you know, go down from their
11 house and walk along the river, but you have to add

12 that component in it because I think that's important
13 and that's the branding.

14 FACILITATOR WILSON TAYLOR: Other
15 thoughts on trails and dispersed recreation?

16 CHAIR MR. TOM LITTLEPAGE: Okay.
17 Moving to the final area in the natural resource
18 management, wildlife management, habitat, any initial
19 thoughts on this area?

20 DFO ANDA RAY: Can somebody explain a
21 little bit about like ducks, the quail that we have
22 in those areas?

23 Thank you, Hill.

24 MR. HILL HENRY: We form partnerships
25 with these individuals. For instance, we have warm
1 season grass fields that we have a partnership with 288
2 Quail Unlimited to maintain. We work with them
3 closely. They come in and actually do the burning
4 and things like that to maintain those warm season
5 grass plots.

6 We also have similar arrangements with
7 Ducks, Unlimited. They are small things that we do,
8 but we do have, I guess, projects associated with
9 those throughout the Valley. That's a perfect

10 example for a partnership.

11 MS. DEBORAH WOOLLEY: So is this kind
12 of a ditto to what we said in the forest and plant
13 management?

14 I think we talked about partnerships
15 and demonstration sites, research areas and being a
16 leader.

17 CHAIR MR. TOM LITTLEPAGE: So you're
18 saying this is one of those areas TVA can distinguish
19 itself, especially with regards to endangered species
20 there's going to be some level of compliance that's
21 going to be required but over and above using it for
22 science and research activities.

23 MS. DEBORAH WOOLLEY: And not
24 necessarily, you know, all TVA done. TVA
25 coordinated, TVA facilitated, in some cases maybe TVA
1 done. 289

2 FACILITATOR WILSON TAYLOR: Russell.

3 MR. RUSSELL TOWNSEND: Just, you know,
4 coming from, you know, the directorship of Sequoyah
5 Birth Place Museum some years, anytime I think about
6 wildlife management for TVA, you know, the snail
7 darter comes immediately to mind, and that's one of

8 those non-renewable resources. You know, if the last
9 of them go under TVA's stewardship, then it becomes a
10 real problem. So I think that has to be placed into
11 that same category as the rest of the non-renewable
12 resources.

13 And I do think as Deborah and Tom are
14 talking about, there's an opportunity for TVA to get
15 out in front of the curve and do some additional
16 research and do some of those things the public is
17 interested in with regards to wildlife management.
18 You have got to protect those resources first and
19 foremost.

20 FACILITATOR WILSON TAYLOR: Thank you.
21 Jean.

22 MRS. JEAN ELMORE: This also speaks, I
23 think, to what we say yesterday with the bird
24 watching that was pointed out. So it's another
25 public enhancement of TVA of what -- you know, the
1 public wants to go and watch the birds that TVA has
2 enhanced for them.

3 FACILITATOR WILSON TAYLOR: Deborah,
4 could I get some clarification on the -- was it the
5 ditto of something else earlier? What were you --

6 MS. DEBORAH WOOLLEY: I just thought
7 the things that the group talked about during the
8 forest and plant management, the leadership role, the
9 stewardship role, the partnership role demonstration,
10 that a lot of it, with the understanding that
11 endangered species and non-renewable take on a
12 different priority.

13 FACILITATOR WILSON TAYLOR: Okay.
14 Tom.

15 CHAIR MR. TOM LITTLEPAGE: Any other
16 thoughts or comments?

17 And I guess maybe at the same time we
18 can open it up. Now that you have kind of had a
19 flavor and you see the list of activities, are there
20 any other sort of broad-based perspectives that you
21 think the staff should sort of factor into this kind
22 of along these lines?

23 Kelly.

24 DR. KELLY TILLER: I would actually
25 like to go back to the one before this on the
1 maintenance. I was trying to think of the name of 291
2 this and I couldn't think of the name of the theory,
3 and I just remembered it. So I think it's

4 appropriate.

5 You know, there's -- I don't know if
6 you're familiar with the -- it's the broken windows
7 theory. Kind of a classic textbook example being a
8 New York City subway system and how bad it was and
9 how an outward appearance transformed the entire
10 system, and this is an area where I think TVA may
11 benefit because that is the public interface. When
12 it looks goods, it gives a pride of ownership and it
13 conveys that it is -- that it belongs to the public
14 and, you know, I think other benefits come from that.

15 FACILITATOR WILSON TAYLOR: John.

16 MR. JOHN WILBANKS: Kelly is right.
17 In the parks and recreation field, we all know that
18 well-maintained facilities is still community pride
19 and also helps with funding. People are more likely
20 to fund something they know that is well taken care
21 of. Vandalism, correct it right away, you get on it.

22 So what you're saying is true, but,
23 you know, that's going to take a real commitment to
24 have the people be on the ground out there to react
25 to these and repair these. So it's a -- you know,
1 it's a perception, once again.

2 FACILITATOR WILSON TAYLOR: Karl.

3 John, are you done?

4 MR. JOHN WILBANKS: On the last one,
5 is TVA -- and I don't know what you do on this. I'm
6 just asking out of ignorance. Do you-all have
7 anything like -- do you have hog problems or other
8 type of critters that y'all have to deal with? I
9 mean, do y'all deal with those?

10 MR. HILL HENRY: We don't have hog
11 problems, per se, but, you know, we brought up the
12 animal nuisance issues that we discussed yesterday,
13 mainly beavers, that's a big issue that we have.

14 MR. JOHN WILBANKS: Do you-all
15 actually do the correcting of the problem, go out, or
16 do y'all farm that out?

17 MR. HILL HENRY: We tend to do the
18 non-lethal measure, but with the lethal measures we
19 get other agencies to assist us with that. It's
20 their mission.

21 FACILITATOR WILSON TAYLOR: Karl.

22 MR. KARL DUDLEY: I hesitate to make
23 this statement, but I think I need to at least drive
24 a stake in the ground. I feel like the skunk at the

25 picnic, but prior to 1997 TVA received public funds
1 for a lot of the work that they did. 293

2 So when you perceive TVA's properties
3 as public, I think that perception has to change
4 because of that date and time. At that date and time
5 TVA became a power company with a lot of federal
6 assets.

7 Now, at some point in time, whether
8 it's now or in the near future, TVA and the folks in
9 the Valley are going to have to determine what type
10 of revenue structure we can put in place to come up
11 with some kind of fee because we have got to pay for
12 these large assets that we have and all of these
13 things that we're responsible for.

14 And I really appreciate the things
15 that Russell has brought to the table, and
16 Dr. Tiller, too, I appreciate all of their comments,
17 but as a power distributor our folks are the
18 taxpayers. Okay. We don't receive tax money. In
19 fact, we're the largest payer in the counties that we
20 are in. TVA is the largest payer in a lot of the
21 counties that they have assets in. TVA is a
22 taxpayer. It's not a tax receiver.

23 At some point in time, and I don't
24 know how you do it, but we're going to have to start
25 taking in revenue instead of saying that we're going
1 to maintain all of these things because we cannot do²⁹⁴
2 it. We cannot do it. We can't even build the plants
3 that we need for base generation in the Valley
4 because we don't have the money.

5 So in order to maintain that assets,
6 and I agree with John, if you have got those assets,
7 and I strictly adhere to that theory of the New York
8 windows, in the power system, if you don't maintain
9 it, it's on the ground. So you pay now or pay later.

10 I think the Stewardship Council, and I
11 will say this and then shut up, we have got to put
12 this forward in some form, that we have got to come
13 up with some fee structure. Up until just a few
14 years ago Shiloh Park that is on our system, they did
15 not charge anything for people to drive through
16 Shiloh Military Park. Now they have got to pay
17 boxes. When you come in, you pay.

18 Now, how do they enforce that? That's
19 mostly voluntary, but they expect you to pay when you
20 come in. It works real well. They have, you know,

21 close to a million visitors a year, I guess.

22 It's a change in perception. If you
23 have some good, clean, up-to-date, painted assets out
24 there, I think the public is -- you know, we charge
25 people to shoot birds, but we don't charge people to
1 look at birds. What's the difference? I mean, you²⁹⁵
2 know, I will shut up and go back to being quiet.

3 DFO ANDA RAY: I may use that motto.
4 And by the way, Karl is right, we pay in lieu of
5 taxes, and we do pay taxes on these reservoir
6 properties.

7 CHAIR MR. TOM LITTLEPAGE: I was going
8 to say, Karl, I think that is a fundamental sort of
9 elephant in the room. I hope you don't shut up
10 because I think that idea of -- you know, that TVA
11 has historically provided free public access and
12 eaten all that it takes to provide those quality
13 facilities, eaten in terms of internal costing, is
14 part of what -- I think as we look at this plan and
15 we look at the future, that shift of expectation, I
16 think, is fundamental to say whether this Council
17 agrees that that's a direction.

18 I think it puts the staff in a very

19 difficult position given the pressures -- the
20 competing pressures that exists today, and the
21 ability to step forward and for the Council to
22 recognize how that's going to be realistically
23 achieved in the future is, I think, a key component
24 of this planning process.

25 So I would encourage you not to not
1 think about it or talk about it because I think it's ²⁹⁶
2 vitally important to recognize what is the
3 appropriate level of the public's role that we talked
4 about earlier versus the expectation of the people
5 who are really footing the bill in this process.

6 Deb.

7 MS. DEBORAH WOOLLEY: Does this not
8 get back to some of that discussion we had in the
9 first session where we were valuing leases and
10 commercial property and some of the long-term
11 sweetheart deals where people are doing -- because my
12 point is there's more than one way to get recreation
13 environmental-type revenue in than just a person who
14 wants to go down and hike a trail, and some of those
15 decisions are the harder ones but they also reap, in
16 some cases, the bigger benefits.

17 DFO ANDA RAY: We probably should have
18 had an update for you-all. We took all of your input
19 and have now issued campground and marina guidelines
20 encompassing a much more consistent and fair approach
21 to the fee structure. So at the next meeting maybe
22 we will give you an update on that. I will let you
23 know that there is fruition that comes from some of
24 your recommendations.

25 FACILITATOR WILSON TAYLOR: John.

297

1 MR. JOHN WILBANKS: I really think the
2 fee issue, that's a major problem. You know, Karl is
3 right. I mean, you know, prior to the elimination of
4 federal funds, TVA was a leader in the Valley.

5 I know when I moved here in '79 I
6 think you-all even gave seed money for park and rec
7 departments with communities on the lake, but
8 that being -- all of that being said and done, when
9 the federal money went away you just can't walk away
10 though and leave our -- we built the structure. So
11 we have got to maintain it.

12 I think a major emphasis should be to
13 have TVA to look at your fee structures and look at
14 new sources, you know. It doesn't -- there are other

15 sources of revenue out there as far as fees and
16 charges, and I think that's something that really
17 needs to be looked at in the system to help offset
18 these costs.

19 CHAIR MR. TOM LITTLEPAGE: I think if
20 we're not careful this issue of having everything
21 look good and, you know, presented that positive
22 experience, sometimes in an organization that gets
23 translated to where they hand Hill a bucket of paint
24 and say, don't worry about counting the bats, you
25 just go out there and fix the facility.

298

1 So the things that don't get seen by
2 the public somehow get deemphasized and things that
3 are seen get overemphasized over and above their
4 importance. Fundamentally that's a reaction to the
5 fee issue. So I think we need to -- you know, we're
6 talking about a general consensus that says we need
7 to look good and TVA needs to represent a positive
8 appearance to the public, but at the same time
9 without addressing that underlying ability to do that
10 you put them in the -- you put management in a very
11 difficult position on how to achieve it.

12 FACILITATOR WILSON TAYLOR: Jean.

13 MRS. JEAN ELMORE: My comment is to
14 what my parents always said, there ain't no free
15 lunch. Somebody has to pay. And I also feel that
16 when people have to pay, it makes them appreciate
17 what they are doing to a greater degree and they are
18 going to take better care when they are there. They
19 buy into the ownership somewhat. It's not just
20 something out there.

21 FACILITATOR WILSON TAYLOR: Kelly.

22 DR. KELLY TILLER: I think these have
23 been excellent points, and I completely agree. I
24 think it goes back to the very beginning where, you
25 know, we have struggled with this issue of without
1 considering the costs of all of these things, and 299
2 this is a really difficult exercise, if not
3 impossible.

4 So I think, you know, maybe for today,
5 while we need to make sure this is front and center
6 and everybody recognizes this elephant, you know,
7 there's still value, I think, in to this exercise
8 without necessarily assigning those costs and
9 determining revenue opportunities for each one of
10 them as a starting point.

11 MR. W. C. NELSON: I have always
12 really been against fees, but I recognize too that
13 it's the only fair way, let those that are using the
14 facilities bear some of the costs at maintaining it,
15 not spreading it completely over the whole
16 stakeholder basin.

17 So I agree with Jean, people
18 appreciate things more and think they are better if
19 they pay a little something for it. So I think, you
20 know, the bar has already been set with other
21 organizations, and I don't think it would be a
22 problem for people to pay.

23 CHAIR MR. TOM LITTLEPAGE: And I think
24 one of the things that's been reiterated here is
25 there's not one answer. I think this is a matrix of
1 looking at multiple things and figuring out how you
2 can achieve some positive results without a
3 particular sector bearing the entire burden.

4 FACILITATOR WILSON TAYLOR: Karl.

5 MR. KARL DUDLEY: Just one final
6 point. Since I am in West Tennessee on the far side
7 of the TVA system, we enjoy the beauty of Tennessee
8 River and Pickwick Lake in my area, but you have to

9 remember that there's a large group of people that
10 actually live in Mississippi who are the largest
11 group of customers of TVA.

12 So to say that everyone in the Valley
13 gets the benefit of the Tennessee Valley and the
14 Tennessee River and all of the assets that we have
15 along the Tennessee River, that's not exactly right.
16 You know, I just want to put that out there too that
17 it's not uniform.

18 So, yes, if you want to fish everyday,
19 that's fine, but, you know, I think you have more
20 responsibility to help maintain the facilities than I
21 do if I live on the Mississippi and I am paying the
22 Mississippi fees through my taxes.

23 Thank you.

24 DFO ANDA RAY: And that really
25 brings -- I am just going to piggyback, if I can, on
1 that. Every single corporation has some citizen --
2 corporate citizen responsibility. I think that is
3 the kind of functions that can be spread across your
4 entire client base, the corporate citizenship
5 functions.

6 Some of those different corporations

7 put an emphasis in different areas. I think the
8 issues for what I hear you saying is that TVA was
9 given a responsibility and stewardship of way more
10 than what most companies call corporate citizenship.

11 So perhaps there's -- and then that
12 goes back to Tom's comment. It looks like we need to
13 come to you with a plan that says, and here's where
14 the different funding pieces could come from. Some
15 of it is going to come from rate base. Some of it
16 may come from fees. Some of it may come from other
17 kinds of grants or partnerships, but we could use
18 that, as Kelly says, as a separate discussion when we
19 get a little bit further along of how are we going to
20 fund this natural resource plan. So I appreciate all
21 of that. It looks like it will be a combination of
22 multiple sources.

23 MR. KARL DUDLEY: Just a short
24 follow-up. I can't shut up, can I? I'm sorry.

25 Please don't take this in any way to
1 say I never want to lose the operation of the
2 Tennessee River, okay, because we cannot maintain
3 rates in the Valley if we lose the operation of the
4 Tennessee River, okay.

5 So whatever we do, this group or any
6 future groups, please don't give up the
7 responsibility that we have for the river because we
8 use the river to generate electricity, and it's one
9 of the most valuable sources we have. We don't want
10 to -- we sure don't want to give that to the Corps of
11 Engineers. We need the river. Whatever it takes,
12 Anda, we need the river.

13 DFO ANDA RAY: Got it.

14 CHAIR MR. TOM LITTLEPAGE: Any other
15 comments on this?

16 We have sort of had some general
17 discussion here, which I think has been very helpful.
18 We're going to transition now to talk a little bit
19 about water and water resource issues or activities
20 that are on page 8 of your activities list that's in
21 your book.

22 So as we think about this, maybe we
23 will begin this discussion like we did before. Are
24 there broad areas -- in looking at the list of
25 activities for water resource management, are there
1 broad areas that you would say need to umbrella the
2 analysis of these activities with regards to how we

3 treat them?

4 For example, how does education,
5 environmental/public education fit into the context
6 of these activities with regards to water resource
7 areas?

8 I will just kind of throw that out for
9 you to think about.

10 MS. DEBORAH WOOLLEY: Can we ask the
11 same question as to what regulatory that you're
12 mandated to do versus --

13 CHAIR MR. TOM LITTLEPAGE: Yeah. I
14 think Shannon can address that. It think it's going
15 to be a little different than what we saw last time.

16 MR. SHANNON O'QUINN: Yeah, I guess.
17 You know, we do do a lot of activities out there that
18 help improve and protect the water quality as far as
19 how we operate our reservoirs, you know, our
20 facilities.

21 A lot of our power production
22 facilities have discharges that are regulated, but,
23 you know, basically in the NRP, you know, we're
24 addressing discretionary-type projects or water
25 quality improvement efforts.

1 You know, we do -- and I was looking
2 at the environmental policy just a few minutes ago
3 and, you know, one thing that we discussed yesterday
4 was the water efficiency program and we -- you know,
5 that's something that we really haven't done in the
6 past. We have tried to pilot it last year, but that
7 would help us meet the water -- promoting the water
8 conservation component of the environmental policy.

9 Now, we do at a corporate level
10 address water conservation. There's an Executive
11 Order that requires us to reduce water consumption
12 2 percent per year over, I think, the next 15 years.
13 So this -- that water efficiency program we -- I
14 mentioned yet mainly targets -- would target our
15 stewardship facilities, like recreational facilities,
16 and also go outside of TVA to work with communities
17 on giving them tools on how to conserve water.

18 I guess another thing I wanted to
19 mention was, in those list of programs, the list of
20 programs and activities in the water quality is quite
21 a bit smaller than with natural resource management
22 that y'all have been looking at. In those programs
23 we have got a limited budget. So we have adapted

24 over the years.

25 We have -- we have worked -- you know,
1 figured out ways to leverage funding, you know, work
2 with partners, leverage funding to put projects on
3 the ground, and that is a major component in most of
4 our programs.

5 You know, one of the main things, and
6 it might be another question that you want to put up
7 to discuss, but, you know, as we're looking at this,
8 since this is kind of discretionary work, you know,
9 what is the public's view of TVA's role in improving
10 and protecting water quality?

11 Is it just to work with our reservoir
12 operations and deal with permits and discharges at
13 our facilities or do you-all expect or our
14 stakeholders expect TVA to do additional work?

15 I guess the other thing that we
16 struggle with internally is: How do we target our
17 work?

18 We really don't have, like I said, a
19 lot of resources. We have 41,000 square miles of the
20 Tennessee River system at that we're trying to
21 address water quality issues on and, you know, that's

22 a question we're asking ourselves: Do we try to
23 address the whole entire watershed or do we focus on
24 TVA lands or around TVA reservoirs?

25 So, I guess, those are the types of
1 questions we struggle internally with a lot that, you
2 know, y'all might be able to give some perspective
3 on.

4 And then our activities I just --
5 again, I just want to -- when you look at all of
6 those activities, there's about 15 or 20 activities,
7 I just want you-all to realize that TVA isn't the --
8 isn't providing 100 percent funding in hardly any of
9 these type projects that we have implemented.

10 We're out there, again, working with
11 partners, developing plans, and we're helping them
12 leverage funding or write grants. A lot of times
13 most of our funding is used to -- which is a very
14 small percentage, maybe 10 percent of the cost of the
15 project, you know, we use to help leverage that grant
16 that comes in.

17 So I guess I just thought I would
18 throw that out and I thought that might help as
19 you-all are discussing these activities.

20 CHAIR MR. TOM LITTLEPAGE: Let me ask
21 just a clarifying question, Shannon. In answer to
22 Deb's question, I guess there's two things that come
23 to mind.

24 One of them is NPDS compliance with
25 permitted TVA facilities, what activity -- is that
1 activity covered in this list? 307

2 MR. SHANNON O'QUINN: It is not.

3 CHAIR MR. TOM LITTLEPAGE: Okay. So
4 that may be something we need to add because it's a
5 relatively -- well, not relatively. It's a regulated
6 activity. It's like we talked about, there is an
7 expectation of compliance with that, just recognizing
8 that that's an activity to be performed under that.

9 Then the other is: Where is the 26(a)
10 withdrawal program? Is that listed in this as
11 another regulatory activity?

12 MR. SHANNON O'QUINN: And we made a
13 decision, I guess, at the beginning of developing the
14 plan that those things, I guess, would be outside of
15 the plan.

16 Those type of activities, you know, we
17 felt like would actually trump most of the

18 stewardship activities that we would be working on.

19 So, you know, again, these are non-regulatory
20 discretionary activities that we're focusing on.

21 MS. HEATHER MONTGOMERY: We had to set
22 some bounds of this plan. So for -- particularly for
23 water quality, because there are a lot of regulatory
24 things that TVA does as far as NPDS permits. And
25 Section 26(a) also regulates a great deal of

308
1 different things like, you know, what are resolved
2 inside the Valley and outside. So we felt like that
3 those regulatory programs or those actions that we do
4 are outside the scope of the natural resource plan.

5 We only wanted to look at those
6 stewardship-type activities inside water quality that
7 are discretionary to TVA. So for the purpose of this
8 plan, we are only focused on those types of
9 activities.

10 DFO ANDA RAY: So can we at least take
11 the comment down that we need to revisit that, and we
12 may come back and say, here's why we're going to
13 continue to leave it out, but as far as the 26(a),
14 how aggressive are we looking at those discharges?

15 CHAIR MR. TOM LITTLEPAGE: And I guess

16 when we talked about, for example, at Norris
17 yesterday the oxygenation, is that part of a
18 regulatory process or is that part of an enhancement
19 partnership initiative?

20 MS. HELEN RUCKER: That type work was
21 covered under the lake improvement plan and the
22 programmatic activity. So activities that were
23 already covered under existing programmatic
24 environmental reviews, such as the SMI, EI, EIS,
25 which covered 26(a), water withdrawals, the Reservoir
1 Operations Study, y'all have already provided input
2 on that. We already have a policy and program in
3 place for how we do that.

4 The NPDS permit questions, the lake
5 improvement, the activities for oxygenation, all of
6 that has already been covered under the programmatic,
7 and the NRP is addressing the other areas that we
8 don't have programmatic coverage under.

9 DFO ANDA RAY: And let's just take
10 comments because if somebody says, this is my natural
11 resource management plan, they want to be able to
12 reference those. I think that's the thing. Let's
13 come back and address those comments.

14 CHAIR MR. TOM LITTLEPAGE: So given
15 that, really the focus here is the discretionary kind
16 of activities. So it's not the same context of what
17 we saw before on the previous effort.

18 So in looking at -- from that
19 perspective and given the process that we have talked
20 about with the natural resource plan, are there some
21 of those prevailing concepts similar to what we saw
22 before that we can throw out?

23 This list of activities is much
24 shorter. Would y'all prefer to kind of go into a
25 discussion of each of the activities and looking at
1 the relative priorities? 310

2 We have got roughly an hour, I think.

3 MS. DEBORAH WOOLLEY: Because I'm a
4 novice, do they group naturally the way Anda grouped
5 the first ones?

6 MR. SHANNON O'QUINN: I really don't
7 think that they -- you know, the natural resource
8 management work has several different activities, and
9 they do have more of a natural group to them.

10 The water quality improvement work, I
11 think the list is a lot shorter and I'm not -- I have

12 tried to figure out how to come up with some groups,
13 but I am really not seeing any natural grouping.

14 Each -- you know, those activities
15 mainly deal with -- some of them are -- I guess we're
16 providing technical support for some of these and
17 some of them are on-the-ground projects.

18 CHAIR MR. TOM LITTLEPAGE: I will just
19 throw something out for the purposes of discussion.
20 I think Renee addressed this earlier. The idea of
21 this is one where I think you need to look at
22 watersheds holistically.

23 So developing a baseline of
24 information, you know, TVA is one component, one
25 player in virtually all of these watersheds where
1 there are other significant stakeholders and players. 311

2 So it's a case where, I think, the concept of
3 developing a baseline of information and being able
4 to have that be consistent, kind of like what we
5 talked about before, I think, is a vital role here.

6 And this is an area where, I think,
7 looking at, I guess, capturing what Jean talked
8 about, consistency across the watersheds, these
9 activities, in general, I think, we need to make sure

10 that there's consistency across the Valley.

11 I will just throw this open for other
12 thoughts or comments.

13 FACILITATOR WILSON TAYLOR: Bill.

14 MR. BILL TITTLE: Before I said that I
15 felt like there were a lot of partners willing to
16 come forward and assist TVA in some of the
17 initiatives. As you look through this list, I think
18 there's less opportunity for partners in a lot of the
19 responsibility that you have in this area of water
20 resource management. I think a lot of this really
21 falls to TVA to do.

22 I kept looking through trying to think
23 what agency could assist you in a lot of these
24 things. Perhaps in recreation you could find some
25 partners, but a lot of this, I think, really falls to
1 TVA. So my theory about going to the different areas
2 and soliciting partners, with this particular
3 initiative, I think, we're going to be limited with
4 the partners we can bring in.

5 FACILITATOR WILSON TAYLOR: Carol.

6 MRS. CAROL DOSS: Well, I can speak to
7 some of these things. For instance, the targeted

8 watershed initiatives, they really work well where
9 there's a team, a TVA team, that focuses in a certain
10 area.

11 Just like Shannon said, the -- you
12 know, TVA comes in and helps us. I mean, I guess
13 they are like a sparkplug, but we do have lots of
14 partnerships. We have got the Roundtable, which I
15 work for, and smaller watershed water groups,
16 agencies, state, federal. We have got other
17 non-profits, a lot of people.

18 Also, like Shannon said, when, you
19 know, TVA has the staff time with people that come in
20 and help us, but, you know, they help us write grants
21 and bring in lots of money to the area, lots of grant
22 money. Then we also get, of course, in-kind
23 donations from people helping, our equipment donated
24 for, you know, a dump cleanup or whatever. There are
25 lots of partnership opportunities in a lot of these
1 things, especially with that. I know we have just
2 done just so many projects in Southwest Virginia with
3 those targeted watershed teams helping us to focus.

4 Some of these other things that are
5 listed under water resource management, I mean, I see

6 so many projects here that we have done. Abandoned
7 mine lands, the cleanups, the outreach, the
8 agricultural best management, so many of those things
9 all fall into that really. We have done all of those
10 things with TVA's help. It's a huge help.

11 MR. BILL TITTLE: As I was saying,
12 there are a lot of partnerships available. So we
13 really need to do the education of this group and
14 solicit those partnerships.

15 Thank you.

16 CHAIR MR. TOM LITTLEPAGE: I don't
17 know where Kim got that idea that you said there
18 weren't a lot of partnerships.

19 MR. BILL TITTLE: I told you, I learn
20 so much at every one of these meetings, and I have
21 learned about partnerships in water resource
22 management.

23 FACILITATOR WILSON TAYLOR: Deb.

24 MS. DEBORAH WOOLLEY: I have a
25 question. I know when I look down this list, I am --
1 like I said earlier, I am way over my pay grade on
2 this, but I see a lot of things that seem to be
3 shoreline, management of the shorelines, the banks,

4 the restoration, all of that, how is that done?

5 Is there an inventory type of need?

6 Are we reacting to situations that are
7 occurring?

8 Is it preventative and long-term?

9 Is it done just for maintenance of
10 erosion or is it done for recreation?

11 How does all of that work?

12 MR. SHANNON O'QUINN: With the
13 shoreline management around the --

14 MS. DEBORAH WOOLLEY: I don't know the
15 difference in shoreline and bank management.

16 MR. SHANNON O'QUINN: Well, when we
17 say shoreline management, we're talking about the
18 shoreline around the reservoirs, basically the bank
19 around the reservoir.

20 We do have an inventory of critically
21 eroding shoreline throughout the Valley. We targeted
22 those and we went out there. We haven't been doing
23 as much of that work in the past few years, but we
24 did look for partners. We did leverage money to put
25 projects on the ground.

315

1 And as far as stream side management

2 for stabilization --

3 MS. DEBORAH WOOLLEY: Is that the
4 bank?

5 MR. SHANNON O'QUINN: That would be
6 the bank of a river or a stream, and basically we
7 would be working with partners. We would go out and
8 develop a watershed restoration plan with those
9 partners.

10 In that watershed restoration plan, we
11 would identify that the stream bank, you know, that
12 particular watershed has a lot of stream bank
13 erosion, and then we would prioritize which one of
14 those stream bank sections we would then try to
15 stabilize.

16 FACILITATOR WILSON TAYLOR: Renee.

17 MRS. RENEE HOYOS: I did kind of a
18 back-of-the-envelope calculation and kind of came up
19 with three classes that some of these things seem to
20 fall into. One is restoration and monitoring,
21 education, and management.

22 Because things like mine lands
23 reclamation is -- no, wait. Okay. Reservoir
24 shoreline stabilization, stream biological

25 monitoring, bank stabilization, you know, you have 316
1 got a lot of stabilization and reclamation and
2 monitoring, but maybe those can all be sort of
3 grouped together. So you could look at them as sort
4 of the big overall, we do this kind of restoration
5 and monitoring.

6 Then we provide education. So all of
7 initiatives, the programs, those sorts of things
8 would come under an education group effort, and then
9 perhaps management would be -- the urban best
10 management practices and the agricultural best
11 practices.

12 I don't know if that makes it any
13 easier to think about those things, but I sort of
14 went through the list and tried to categorize it just
15 to make it a little bit easier.

16 CHAIR MR. TOM LITTLEPAGE: And I don't
17 know how this fits into it. I do want to insert a
18 comment that Commissioner Fyke related to me
19 yesterday, and I agree with it, and Shannon
20 referenced it a little bit, and that's, you know,
21 looking to us to provide a perspective on TVA's role
22 in water quality.

23 Commissioner Fyke said he made the
24 statement that the public has an expectation that TVA
25 will obviously comply with but support and enhance
1 water quality. And as the reservoir operator, I 317
2 think there's a public perspective that somehow that
3 translates into an overall role with water quality.
4 You see that in a lot of the stewardship activities
5 and things like oxygenation programs to help with DO
6 levels.

7 So I'm not sure how -- I think the
8 bottom line is I think he is correct in the
9 assumption that TVA has to take a leadership role in
10 water quality, even though a lot of the water quality
11 problems are caused by factors outside of TVA's
12 control. And figuring out that can be done
13 appropriately or within the levels of dollars that
14 are available, I think, is another challenge.

15 And I don't know how that fits into
16 the list, but it seems to be sort of an overlying
17 component with that.

18 FACILITATOR WILSON TAYLOR: Renee.

19 MRS. RENEE HOYOS: With restoration
20 and monitoring and those sorts of things are really

21 critical to keeping streams clean. You know, if
22 that's going to be the public expectation, then maybe
23 those activities get beefed up some.

24 CHAIR MR. TOM LITTLEPAGE: Would you
25 agree that that is the expectation?

318

1 How do you-all react to that statement
2 where the -- his comment was that TVA really has a
3 responsibility for that role.

4 MR. RUSSELL TOWNSEND: It is the
5 Tennessee Valley Authority, and so that's a river,
6 you know, it's a river system first and foremost.

7 DR. KELLY TILLER: Another perspective
8 to look at it is if TVA doesn't and it is degraded
9 and the public certainly sees that, TVA is to blame
10 publicly.

11 MS. DEBORAH WOOLLEY: But then it's a
12 question of whether it's TVA's responsibility to keep
13 it clean to me or whether it's TVA's leadership role
14 with partnerships, programs, whatever, that if it's
15 gets to the source of something outside of the actual
16 control of TVA that's doing it, an urban problem or
17 something, then TVA takes a leadership role in
18 working with them in a positive way.

19 CHAIR MR. TOM LITTLEPAGE: It kind of
20 emphasizes the education aspects.

21 MS. DEBORAH WOOLLEY: The education,
22 the leadership, the expectation. If TVA has as part
23 of its image the expectation that it will keep the
24 Valley's waters clean, then it's kind of -- and it's
25 a wrong word, but it's kind of an ad hoc enforcement.
1 You don't really have enforcement powers, but you
2 have the bully pulpit to be able to go into these
3 areas and provide the resources to know to do it
4 hopefully cost-efficiently and productively so that
5 it benefits a lot of people.

319

6 So I think TVA has got a real strong
7 role there, but whether it's a role they should be
8 financing gets into another issue, I think.

9 FACILITATOR WILSON TAYLOR: And I
10 think that goes back to Shannon's graphic example
11 yesterday about the pipe, do y'all remember that one?
12 TVA didn't have any enforcement, but we did go in and
13 help that homeowner make the correction to keep the
14 water clean.

15 Renee.

16 MRS. RENEE HOYOS: I think Deb's

17 absolutely right. It's a responsibility that we all
18 share, and TVA can be a leader. I think it would be
19 good to take a look at some of these things that are
20 direct effect of TVA's activities and maybe
21 prioritize those.

22 So things like -- I mean, I would
23 think reservoir shoreline stabilization certainly is
24 something that TVA has caused and should be
25 maintaining. Maybe some of the other stuff, you
1 know, TVA supports the community initiative. So I 320
2 think that might be an interesting exercise that
3 might be a little bit more efficient for staff and
4 for implementation.

5 CHAIR MR. TOM LITTLEPAGE: I know in
6 Alabama we have a group called The Clean Water
7 Partnership, and it really is an amalgamation of
8 local watershed groups. What they do is they work
9 actively with key stakeholders and with the general
10 public to educate people on what are the pressures
11 that are occurring within watersheds and how does
12 growth and development impact positively and
13 negatively in a way to do that?

14 I guess we're heading back to

15 education again, but the idea of because so many of
16 these factors are beyond TVA's control that there's
17 an opportunity for TVA to help work with these kinds
18 of groups to provide the education so that when
19 something happens it's not necessarily perceived as
20 TVA's fault and so the people begin to have an
21 appreciation of what are the pressures that the
22 system is encompassing.

23 FACILITATOR WILSON TAYLOR: Any
24 thoughts?

25 MS. DEBORAH WOOLLEY: Can I ask 321
1 another question? I am doing too much talking.

2 I see on here recreation as a
3 component of water resource management. I know that
4 power is going to be a component of it because that's
5 the big wheel that drives everything.

6 Where does the economic development
7 fall in?

8 What I am thinking of is in the
9 management of the water system you have companies,
10 you have even towns, but you have mostly industry and
11 jobs along the river that live off the river in terms
12 of either discharging, pulling out of the river and

13 using it, does that fall into the water management
14 here or do you end up with a situation where it's
15 down to the parties and you manage the river maybe
16 because of heat indexes or because of water flow and
17 you start affecting permits and operations of
18 companies?

19 Am I making sense?

20 DFO ANDA RAY: Absolutely. You're
21 looking at the integrated river system and the jobs
22 that the system supports.

23 MS. DEBORAH WOOLLEY: Yes. And I just
24 don't know how it fits into the management of what
25 we're talking about here.

322

1 DFO ANDA RAY: And it doesn't fit into
2 here, but we can add that. We can consider it. We
3 can talk about considering it.

4 As far as industries locating on the
5 river and getting permits, TVA doesn't do that. As
6 far as them wanting to withdraw water and actually
7 withdraw it and it goes to another watershed or it's
8 lost, then that goes under the 26(a) permit, which we
9 have talked about has a separate process.

10 As far as navigation to make sure that

11 the economic development and we work with the
12 companies to help them navigate through the river,
13 and they may have specific economic needs from their
14 business, we do work with that. That's not in here
15 because that's under the River Operations Study.

16 MS. DEBORAH WOOLLEY: I guess one of
17 the questions I have, and this may be -- this may be
18 perception instead of reality, but I hear it from my
19 folks.

20 DFO ANDA RAY: Right.

21 MS. DEBORAH WOOLLEY: A couple of
22 years ago, for example, when we were having a drought
23 and we were having a lot of serious challenges, you
24 got into issues of maintaining recreation versus
25 water flow. You had temperature increases. While
1 you don't permit and you don't control that, there's
2 certain values in those permits that when the river
3 flow gets below a certain level, the river height
4 gets below a certain level, temperature changes, it
5 affects what they can do under their permit. At some
6 point some of that is a TVA consideration on how they
7 manage the river system, and I just don't know where
8 that fits in.

9 DFO ANDA RAY: I think probably the
10 closest where it would overlap would be where does
11 the priority of natural resources come in managing
12 the river for all the other multiple uses which are
13 handled under the River Operations Study?

14 So it could -- we could look at
15 whether we need to add something that says in a
16 drought condition where is the priority of the
17 aquatic life and the biological life, but there's not
18 an economic development component.

19 But do you want to recommend that we
20 look at that?

21 MS. DEBORAH WOOLLEY: I don't know.
22 I'm just asking because I know in the other task
23 force for integrated power you look at -- you look at
24 the power needs of the river.

25 DFO ANDA RAY: Right.

324

1 MS. DEBORAH WOOLLEY: But somewhere
2 with that third leg that you have, which is the
3 economic development component and jobs creation, at
4 some point how the river system is managed can
5 directly affect the availability of -- not
6 necessarily availability but operations of jobs, and

7 I don't know where it falls through.

8 DFO ANDA RAY: You bring up a good
9 point because we have addressed the power needs on
10 the IRP. We're addressing the environmental,
11 primarily steward needs on this NRP, and looking at
12 the economic development part of our mission and
13 separately doing an environmental redo of that. It's
14 not -- it's the next step. It's not there yet. So,
15 you're right, it is a gap.

16 FACILITATOR WILSON TAYLOR: Carol.

17 DFO ANDA RAY: Good point.

18 MRS. CAROL DOSS: I wanted to mention
19 something about economic development. This is a
20 little bit different than what we have been talking
21 about.

22 With some of these projects that TVA
23 has helped us with we have, I think, helped the
24 economy because contractors have been hired to help
25 with -- to help with cleanups of illegal dump sites
1 and with some of the other projects. 325

2 We did a project that was kind of
3 weird, but it was very helpful to the environment.
4 There was a huge pile of old sawdust and it was on

5 top of a cave, a carst area, and it had leached into
6 this area for so long. There was this endangered
7 species that was not in the cave anymore. It had
8 left.

9 So TVA helped us and lot of partners
10 worked together, U.S. Fish & Wildlife, and The Round
11 Table and other groups, and we removed the sawdust
12 and took it to mine land and applied it and it really
13 helped the grass to grow better in the mine land and
14 it got the sawdust out of this carst area and the
15 endangered species came back.

16 So, you know, we hired somebody to do
17 that. So there have been, you know, not jobs that
18 last for a long, long time, but it has helped the
19 local people by giving them some work to, you know,
20 do some of these different projects. So that has
21 helped.

22 CHAIR MR. TOM LITTLEPAGE: Other
23 thoughts and comments?

24 I guess I am kind of wrestling with
25 Deb's comments here of how functions managed by river
1 operations, water quantity functions, drought, future
2 development, growth, issues like interbasin transfer,

3 how those play into what this volume looks like. I
4 don't know that I have a clean answer to that.

5 I think we need to think about how
6 that's going to work and to what degree within these
7 discretionary functions does economic development and
8 future growth play a role in how we do that, but I
9 don't have a clear separation of those concepts.

10 MR. BILL FORSYTH: I think Doug could
11 back me up on this, but in the first Council session
12 when we spent a lot of time talking about the River
13 Operations Study we did talk a lot about economic
14 development and that -- there was a lot of input from
15 the economic development area on the River Operations
16 Study.

17 DFO ANDA RAY: I am really sensing
18 that these documents that we -- these previously
19 approved environmentally reviewed documents that we
20 excluded from this review are -- they still somehow
21 need to be referenced and incorporated so that we
22 know that the economic development part of the river
23 resources is not missing.

24 There's a huge section on the
25 flexibility allowed for economic development in

1 running the river. The same with the 26(a). So I
2 hear what you're saying, and I think we just need to
3 somehow by reference mention them so that we know the
4 whole scope is covered.

5 CHAIR MR. TOM LITTLEPAGE: So
6 everybody understands the ties but not reinvent the
7 wheel.

8 DFO ANDA RAY: Okay.

9 CHAIR MR. TOM LITTLEPAGE: Other
10 comments and suggestions?

11 FACILITATOR WILSON TAYLOR: John.

12 MR. JOHN WILBANKS: It's amazing and
13 it's just overwhelming when you think about every
14 stream in the watersheds coming into the lakes. You
15 have zoning. You have regulations. In some counties
16 you have nothing. How we get our arms around that,
17 you know, because it all winds up in the reservoir.

18 What does TVA do?

19 I mean, you can't go to the outer
20 reaches of the streams, you know, its headwaters, and
21 monitor it all coming in. It just seems like -- I
22 don't know. I'm just ignorant of the situation here,
23 but I just think that's so massive of a project. I

24 don't see how Shannon and his crew can, you know,
25 make a -- do something. I mean, it's just a huge,
1 huge problem. 328

2 It seems like, you know, we can't
3 regulate somebody straight dumping into the water, we
4 can't do anything about it other than build them a
5 septic tank system, which is nice, but how many of
6 those are out there?

7 So it just seems like, gosh, I wish we
8 had a little more control over what winds up being in
9 the lake. If it's in the lake, most people say
10 that's a TVA problem, the quality of the water in the
11 lake. So that's just a comment.

12 CHAIR MR. TOM LITTLEPAGE: Well, I
13 think it was -- a good example of that is that metric
14 that we saw yesterday looking at percentage of
15 impaired streams. You know, every state has a 303(d)
16 list of impaired streams that they are required to
17 public to EPA.

18 There are so many factors that go into
19 who is contributing to that impairment and what steps
20 are being taken or who has ownership to actually make
21 some standing progress in those, is that really an

22 appropriate metric to measure TVA's success?

23 TVA may be doing everything they can,
24 and yet, they are not the key player in what that
25 impairment is. So it's a real challenge.

329

1 DFO ANDA RAY: I actually have a
2 question. I am trying to compare what we said
3 earlier on the natural resource management with the
4 water resources.

5 Do I hear kind of a consensus that the
6 first thing you've got to do is you've got to know
7 what the conditions are because you don't even know
8 what has to do to be fixed.

9 Then I heard some things about, well,
10 let's start with what is in TVA's control that we may
11 have caused. Then I have heard comments about what
12 provides -- what effects the largest number of
13 people.

14 Then that kind of begins to set the
15 focus areas on what you look at because it's -- and
16 then maybe it sounds like we also need to be -- maybe
17 even have a matrix because we keep talking about
18 enforcement and who's in charge of the water and who
19 is issuing the permits, and maybe we need a much

20 clearer understanding and that might help both on the
21 education component as well as, you know, who is
22 responsible for these permits.

23 If you do see somebody straight piping
24 and dumping into the river, who do you call, because
25 it's not TVA. Yet, that's who they end up calling.

330

1 So maybe we need a lot more -- maybe part of this
2 effort would be to clarify who has the enforcement
3 authority.

4 So I am just hearing you need to know
5 what you have got. You need to figure out what TVA
6 has caused, which is right, raising and lowering the
7 reservoir clearly in some cases has an effect on the
8 shoreline stabilization.

9 I am trying to focus because, you're
10 right, it's too big, John.

11 FACILITATOR WILSON TAYLOR: John.

12 MR. JOHN WILBANKS: TVA has a
13 tremendous stake in the fact it -- like from the
14 recreation standpoint, you have got these marinas out
15 there, and we talked about this yesterday, you know,
16 that you have the ones that are in compliance and
17 then you have all the others that are sitting there

18 and you have houseboats and stuff dumping straight
19 into the water, but you're the ones that are being
20 affected the most, yet, you have no control over it.

21 I mean, you don't have the police
22 power, do you, to go out and cite these people for --
23 I just -- you're kind of a victim in a way. So we
24 need to -- I think we need to concentrate on how
25 who's in charge, and that's a whole big other level
1 and it really hurts us. That's something we need to ³³¹
2 at least recognize. Well, you do, I know, but
3 recognize and see what can be done about it.

4 CHAIR MR. TOM LITTLEPAGE: I think
5 that sort of reflects to what Renee was talking about
6 with this management issue, maybe the idea of matrix
7 looking at who has what management capabilities to do
8 that.

9 FACILITATOR WILSON TAYLOR: Renee.

10 MRS. RENEE HOYOS: I would discourage
11 TVA from trying to get involved in any kind of
12 enforcement on water issues. The state and EPA are
13 required to do that.

14 Commissioner Fyke is not here, but I
15 would say this anyway, I think their program needs a

16 lot of work itself. The more that TVA pushes them
17 the more -- they are probably willing and able to go
18 out and do more enforcement actions on TVA land, but
19 I think that's going to be something that TVA is
20 really going to have to reach out to TDEC and say, we
21 have got all of these violations on water quality and
22 you need to come out here and do some enforcement.

23 So for your public lands, sure, I
24 think you should have probably your own ranger team
25 or whatever it comes up with, but for water, I think,
1 you know, it's just going to muddy the issue. 332

2 FACILITATOR WILSON TAYLOR: Mark, do
3 you have anything?

4 MR. MARK HOMMICH: That was my point
5 exactly. I think there's some other federal agencies
6 I know on the commercial side, the Coast Guard and
7 the EPA, that has some say in enforcement on this,
8 and it's not TVA's responsibility.

9 MS. DEBORAH WOOLLEY: I have a
10 question which my business folks would probably shoot
11 me for asking, but I'm going to ask it anyway. I
12 know there's a lot of state and federal laws,
13 regulations, programs for maintaining clean water,

14 particularly streams, whatever comes in.

15 In the case of the TVA system because
16 you're not dumping those necessarily, compliance
17 streams, small rivers, into a free flowing system but
18 a system that's contained by reservoirs, are they
19 adequate? Does that complicate it, the fact that you
20 may have a lot of streams that meet clean standards,
21 but collectively when they dump into a reservoir as
22 opposed to a river that's got some source of
23 pollution, does that complicate it for TVA or is that
24 a factor at all?

25 That's a really weird question.

333

1 DFO ANDA RAY: Yeah. Renee, you're
2 welcome to -- do you want to respond to that?

3 MRS. RENEE HOYOS: I think I know what
4 you're getting to. Any stream of any order that
5 eventually meets a navigable water is considered
6 navigable. So there is case law that supports that.

7 So, yeah, if you have got a stream
8 that goes to here that goes to here that goes to here
9 into the Tennessee River, that entire stretch is
10 protected. So yeah. So if they dump something into
11 one of these streams and it eventually finds its way

12 to the Tennessee, then they have violated the Water
13 Quality Control Act and the Clean Water Act.

14 MS. DEBORAH WOOLLEY: And if you've
15 got streams that are meeting the standards, not
16 dumping, but meeting the standards but collectively
17 they dump into a still water body more so than a
18 flowing river, do -- does it change it?

19 That's what I am asking.

20 MRS. RENEE HOYOS: Oh, the reservoirs
21 have not changed the status of the Tennessee River.
22 It is still considered navigable.

23 DFO ANDA RAY: Thank you. I didn't
24 quite understand that. That is one reason we spend a
25 lot of time on some of these streams, not on the main
1 stem, with the agricultural runoff and people 334
2 watering their herds and cattle and horses.

3 MS. DEBORAH WOOLLEY: And golf
4 courses.

5 DFO ANDA RAY: Yeah, the whole thing
6 because it does affect the whole river system.

7 MRS. RENEE HOYOS: When I was looking
8 at this list, I mean, I really don't think that's
9 your issue. I mean, I realize they are on TVA lands,

10 but I don't think you're responsible for controlling
11 agricultural BMP's. I mean, I think that's really
12 something you could shift off to the conservation,
13 the soil conservation folks.

14 The same with mine lands reclamation,
15 did TVA ever mine on their own lands? I mean, if you
16 have mined on your own lands, then you should be
17 responsible.

18 DFO ANDA RAY: Right, for the lands
19 that we own.

20 MRS. RENEE HOYOS: If there's just
21 abandoned mines on your property, you know, I really
22 think you should be looking at the things that you
23 have made an impact and seeking to restore those.

24 FACILITATOR WILSON TAYLOR: Carol.

25 MRS. CAROL DOSS: With those two
1 things that you just mentioned like the mine land 335
2 projects and the others, those -- in our case TVA has
3 helped us to get the partners to do it. We could
4 just bring some people together to get the grant
5 money to, you know, reclaim the abandoned mine lands
6 or whatever. So that's how TVA helps.

7 DFO ANDA RAY: The resources are --

8 the resources I hear all of you saying is not just
9 money. I mean, if Shannon is over helping on getting
10 somebody a partnership, that means he's not able to
11 work on something that may be on TVA land.

12 I mean, is resources people and money?

13 MRS. CAROL DOSS: Uh-huh.

14 FACILITATOR WILSON TAYLOR: We will go
15 to the next question, if we can. What we have done
16 with this question is we've sort of broken that into
17 two parts.

18 What would define TVA as a leader in
19 resource management?

20 Then the next part is talking about
21 criteria to measure success. So, again, based on
22 what we have done thus far, are those two issues even
23 relevant or do you want to address those right now?

24 I will give a minute to look at that.

25 DFO ANDA RAY: In the limited time,
1 the No. 2 question would help us a whole lot more,
2 which is the criteria. We have heard people talk
3 about if you were -- if we were to give you a list of
4 things and say, how would you rank them, people have
5 already mentioned some criteria, you know, TVA caused

6 it, what effects the most amount of people, what can
7 you get the biggest bang for the dollar, in other
8 words, you can do a whole lot, there's some of those
9 criteria.

10 FACILITATOR WILSON TAYLOR: Okay.

11 DFO ANDA RAY: No. No. You can't put
12 me up there. Sorry. Thanks.

13 FACILITATOR WILSON TAYLOR: So we will
14 focus on the second part of that third question.
15 What criteria?

16 MS. DEBORAH WOOLLEY: I like what Anda
17 said.

18 CHAIR MR. TOM LITTLEPAGE: So now you
19 can take credit for it.

20 MS. DEBORAH WOOLLEY: Renee gets half
21 of the credit for it, she agrees.

22 MRS. RENEE HOYOS: It's the Deb and
23 Renee show.

24 MS. DEBORAH WOOLLEY: With Mark in the
25 middle.

337
1 FACILITATOR WILSON TAYLOR: Can I go
2 back to Renee's point. Renee, your point about if
3 TVA caused it, TVA cleans it up, what was -- she was

4 going to add that in there.

5 MRS. RENEE HOYOS: Oh, things like
6 shoreline restoration, stream bank stabilization
7 on -- certainly the main stem of the Tennessee, maybe
8 any tributaries that you had that have direct impact,
9 but not so much, you know, mine lands reclamation,
10 even this urban stuff, urban best -- I mean, I think
11 all of that is great runoff filtration and maybe you
12 can require it for certain industrial sites that
13 you're citing on certain areas, we can do that, but I
14 think like going out to the cities and municipalities
15 and saying, well, TVA thinks you should do this in
16 your town, you know, I think it would be great, but
17 if you have got other priorities and limited
18 resources really is -- others are supposed to be
19 doing that and with the new rounds of permits coming
20 out of EPA, they are going to have people do it
21 anyway. There's no need for you to do that.

22 CHAIR MR. TOM LITTLEPAGE: So it's
23 like a concept of personal accountability and
24 responsibility. If it's a TVA managed activity, part
25 of the criteria or leadership is that TVA

1 demonstrates that they certainly meet but maybe go

2 beyond the measure of what's required.

3 MRS. RENEE HOYOS: Now, I am going to
4 be the skunk. Karl, you have got competition.

5 So let's talk about the coal fly ash.
6 I mean, there's other ponds that are sitting adjacent
7 to the river. So would that fall into this kind of
8 water resource management?

9 I mean, are you going to look at,
10 well, we have got these ponds sitting out there and
11 they need to be maintained better. So we're going to
12 put resources into that because it can cause a number
13 of water quality violations.

14 DFO ANDA RAY: I would say that the
15 concept of personal accountability probably that
16 would fall in there and that would probably be a
17 general statement that says for those issues and any
18 other issues that TVA is a direct contributor to
19 water quality, but that would kind of get back to the
20 NPDS permit and the landfill permit.

21 MRS. RENEE HOYOS: Oh, I see.

22 DFO ANDA RAY: So they would already
23 be regulated some other way, but that general concept
24 would probably be addressed that way.

25 MRS. RENEE HOYOS: Okay. 339
1 CHAIR MR. TOM LITTLEPAGE: Other
2 aspects of criteria?
3 DFO ANDA RAY: You have got to get
4 Russell in there.
5 CHAIR MR. TOM LITTLEPAGE: I'm sorry.
6 DFO ANDA RAY: I didn't say it. That
7 thing, that renewable thing.
8 CHAIR MR. TOM LITTLEPAGE: The
9 non-renewable.
10 DFO ANDA RAY: Non-renewable, hint,
11 hint.
12 CHAIR MR. TOM LITTLEPAGE: Prioritize
13 non-renewable assets.
14 MR. RUSSELL TOWNSEND: I know so
15 little about water quality issues, I think it best
16 serves the committee if I keep my mouth shut.
17 CHAIR MR. TOM LITTLEPAGE: Oh,
18 Russell, that's never true.
19 MR. BILL TITTLE: It didn't slow me
20 down. Speak up.
21 CHAIR MR. TOM LITTLEPAGE: We have
22 transitioned, you know, beyond the two specific

23 areas. This is a broad-based aspect of how the staff
24 begins to determine through this planning process to
25 establish TVA's role and looking at what's the
1 criteria to look at where those areas are. 340

2 I think one of them is respecting the
3 needs of non-renewable assets, understanding that
4 once they are gone they are gone, that growth and
5 development is going to put more pressure on those
6 areas.

7 If you won't say it, I will, that I
8 think we need to understand that that may have a
9 higher level of needs and assessment for
10 non-renewables.

11 MR. RUSSELL TOWNSEND: Thank you for
12 saying that. I agree with you very much.

13 FACILITATOR WILSON TAYLOR: Anda.

14 DFO ANDA RAY: I was going to
15 piggyback on that that there's the stabilization
16 erosion but there's also the hard armory and
17 stabilization to protect those non-renewable assets
18 along the shoreline, which is different than in the
19 lands.

20 CHAIR MR. TOM LITTLEPAGE: Maybe that

21 both reactive and proactive approaches in looking at
22 non-renewables to protect and preserve those assets.

23 FACILITATOR WILSON TAYLOR: Deb.

24 MS. DEBORAH WOOLLEY: I think this
25 is -- I think Anda said it, but I am not sure. It's 341
1 probably not the way you want to say it in the
2 report, but the more bang for your buck type
3 resources.

4 I think those are two ways. I think
5 it's how far you can make money go to have an impact
6 environmentally. I think it's also looking at the
7 impact of that investment on the image of TVA, the PR
8 side of it and on the leadership side of it.

9 If you want to be perceived as a
10 leader in certain areas, you have got to have some
11 visible roles because you don't make yourself a
12 leader. Other people make you a leader by turning to
13 you.

14 So the bang for the buck can look at
15 where you get the most for your limited resources
16 either in terms of actual environmental gains or in
17 the PR side or the leadership side, and they are not
18 hugely exclusive. I think they all fit together.

19 CHAIR MR. TOM LITTLEPAGE: I heard an
20 interesting comment kind of along those lines. In
21 looking at -- if TVA were to undertake initiatives,
22 educational initiatives or public education processes
23 that there is evidently some metrics developed that
24 if you're -- and this had to do with a story with our
25 retirement systems that was in the New York Times and
1 they had calculated that if they had -- it was a 342
2 positive story on some aspect of one of their
3 programs, and if they had bought the story it would
4 have cost whatever, a million dollars, but they
5 estimated the value of having a source write it up
6 was seven times what you would pay as an ad because
7 the public perceived it much more positively than if
8 you purchased the ad.

9 So the idea is to try to leverage
10 those opportunities for doing things. Obviously, you
11 want to do the right thing, but you want to do them
12 in a way that people are aware of what you're trying
13 to do and benefit the overall mission of the
14 organization.

15 MS. DEBORAH WOOLLEY: That kind of
16 goes back to what Renee said about the urban

17 situation. It's not your job to go into a city and
18 say, here's how to do it, because then you're the
19 800,000 pound gorilla that nobody likes and everybody
20 is mad at.

21 You want to get to a point where that
22 city that's having a problem meeting its federal and
23 state requirements says, TVA, can you help me find
24 the best solution for this because you have the
25 experience in this area. To me that's when you're in
1 a leadership role when you have moved to that, and 343
2 then you have got positive PR out of it also.

3 CHAIR MR. TOM LITTLEPAGE: And maybe
4 that's sort of -- I was going to say one quick thing
5 tied to that is that one of the criteria is that TVA
6 can be a resource to be called upon, you know, that
7 they have expertise, they have knowledge, so they
8 don't necessarily dictate growth patterns to local
9 communities, but if a community wants to plan growth
10 effectively TVA will actively work to help
11 participate and facilitate the processes.

12 Did I cut you off? I didn't mean to.

13 MR. BILL TITTLE: Well, no. I think
14 you were going where I was going. I think TVA sets

15 the leadership role by managing the water quality on
16 the things they can control, and acting as a
17 counselor, if you will, for others on water that they
18 cannot control.

19 A horrible example, Chattanooga
20 recently released over a million gallons of raw
21 sewage, probably, Shannon, more than every straight
22 pipe you have ever looked at, because of a
23 malfunction in their system.

24 The river operations called me two
25 days later after they read about it in the media and
1 said, we didn't know anything about it. Can you set
2 up some system whereby we would be notified in the
3 future that that happened? And we did that through a
4 little bit of work, and now they would be notified.

5 TDEC was notified. I talked to the
6 Commissioner and he was notified. That's a horrible
7 example of a lot of pollution that went into the
8 river. The good thing is it happened at peak flow.
9 The river was flowing at about three times when
10 you-all were at heavy spill.

11 It was peak flow so that it was
12 diluted quickly, fairly quickly, and that's a lot

13 better than two years ago in a drought situation that
14 it would happen.

15 That's a good example of a mass amount
16 of pollution that TVA had nothing to do with and
17 didn't even know about it for a few days, but they
18 could be a -- set a leadership role by the things
19 they do control.

20 MRS. RENEE HOYOS: I didn't want to
21 come across sounding like, oh, we didn't cause it and
22 so we're not going to deal with it because I see that
23 there's a lot of illegal solid waste dumps. I would
24 think that, you know, if you came across an illegal
25 solid waste dump on your property that you would be
1 inclined to -- even though you didn't cause it. 345

2 That's an excellent example about
3 Chattanooga. I don't know what TVA could have done.
4 I mean, you know, what needs to be fixed there is the
5 sewage treatment plant.

6 MR. BILL TITTLE: And it's being
7 fixed.

8 CHAIR MR. TOM LITTLEPAGE: Yeah. But
9 the idea is if you weren't flowing at peak flows
10 maybe they'd push a slug of water through to help

11 continue something like that. I mean, there are
12 scenarios where they could have provided a positive
13 support role.

14 MRS. RENEE HOYOS: Yeah.

15 DFO ANDA RAY: And I want to ask you,
16 going back to the criteria, would it matter to you in
17 the criteria if something was heavily leveraged with
18 other people's money?

19 For instance, in economic development
20 we often rank a project if we can put in 5 percent
21 and somebody else can put in 95 percent, that project
22 gets ranked pretty high priority versus TVA having to
23 fund 100 percent which may be -- is that a good
24 criteria to say, well, look at the leveraging
25 opportunities?

346

1 MR. JOHN WILBANKS: As long as you
2 haven't compromised anything.

3 FACILITATOR WILSON TAYLOR: Carol.

4 MRS. CAROL DOSS: I was going to say
5 something about leveraging money too as the measure
6 of success because you, you know, are helping the
7 local groups to see how much you get, I mean, that is
8 a measure. Also, monitoring programs like with ag

9 BMP's or some other type of program.

10 I mean, with TVA's help we have
11 documented measurable improvements in water quality.
12 So that shows success. Even with just counting
13 things like the dump site cleanups, you know, in
14 Southwest Virginia we have mapped 1,700 dump sites.
15 We have cleaned up a lot. I mean, cleanups have been
16 going on for 30 years, but there's still a lot to do.
17 If you help get things like that done, you can
18 count -- something you can count.

19 MS. DEBORAH WOOLLEY: This question
20 goes back to a comment Bill said. You said when that
21 happened you notified TDEC. Does TDEC notify you or
22 do you-all have communications with them that you can
23 find out when there's something that would affect
24 water quality, whether it's, you know, one of my
25 members?

347

1 DFO ANDA RAY: There's nothing formal
2 that causes that to happen.

3 MS. DEBORAH WOOLLEY: Should there be?

4 DFO ANDA RAY: That's a separate
5 discussion because if they are calling us, what's the
6 purpose of them calling us unless they think that

7 there's something we can do about it, like dilution.

8 I don't know.

9 MS. DEBORAH WOOLLEY: I'm asking.

10 DFO ANDA RAY: Of course, we can ask

11 them to give us a courtesy call on certain

12 pollutions.

13 MS. DEBORAH WOOLLEY: I mean, it's not

14 worth it unless there's a value to it.

15 DFO ANDA RAY: Right.

16 MS. DEBORAH WOOLLEY: And, you know, I

17 don't know whether it's the dilution thing or whether

18 it's cumulative, but you happened to have two or

19 three that happened over a period of time. The

20 problem is once it gets into the reservoir or the

21 river it becomes your problem.

22 DFO ANDA RAY: I think what I hear you

23 saying is if TDEC believes there's something TVA can

24 do to help the problem, to help the issue, then I

25 certainly think that they would call us, and I will

1 make that a formal request to Commissioner Fyke and

2 Paul Sloan.

3 Just to notify every time there is a

4 violation, I'm not sure that's a role that TVA would

5 want to get in if there's an expectation that we're
6 going to do something about every violation.

7 MS. DEBORAH WOOLLEY: And I asked that
8 because in our having dealt with them whenever
9 something happens, a bad discharge or something,
10 their first move is containment, is to stop it, and
11 then it's enforcement. The actual cleanup is
12 generally something that follows later.

13 I don't know. I was just asking
14 because you said that communication wasn't. This one
15 was a lucky one where the river was flowing. As John
16 Wilder always said, dilution is a solution.

17 MRS. RENEE HOYOS: No, it's not.

18 MS. DEBORAH WOOLLEY: I know, but John
19 Wilder always said that.

20 MR. RUSSELL TOWNSEND: Along those
21 lines, I might suggest that TVA look at doing
22 something that the tribes do with federal agencies on
23 a regular basis, and that's create programmatic
24 agreements with these federal agencies, you know,
25 communications, programmatic agreements that

349

1 basically outlines when your agency should talk to
2 one another about water quality issues, when should

3 TDEC notify you, what types of issues, who do they
4 call, and it's all listed in this programmatic
5 agreement that's renewed and updated every two years,
6 five years, whatever.

7 You can look at all of your partners,
8 you know, you can look at the Corps of Engineers and
9 other groups and create a stronger, I guess, chain of
10 communication so that water quality issues are
11 addressed by all of the players, all of the
12 stakeholders in a more systematic fashion.

13 CHAIR MR. TOM LITTLEPAGE: Yeah, I
14 tend to think that's a great idea, not necessarily
15 for operational side in the example that Bill said,
16 but in programmatic control, you know, working with
17 all seven states, environmental management agencies
18 for things like modeling that they do of rivers and
19 predictive tools that they develop, you know,
20 developing approaches to work together, share data,
21 share techniques, and make sure everybody sort of has
22 a baseline of future expectations. Then for those
23 sort of broad-based issues that TVA doesn't have
24 direct control over, it's just another example of
25 working through the partnership process.

1 I think Renee had something. I tend
2 to think that's a good idea, not necessarily -- I
3 think we tend to get to the operational side and I'm
4 not sure that's appropriate for this kind of
5 document. The longer-term perspective of how these
6 agencies work to establish impaired streams and
7 overall holistically try to improve water quality and
8 watershed health, those kind of activities may be
9 very appropriate for some kind of long-term treatment
10 or process.

11 Other comments?

12 Yes, sir.

13 MR. JOHN WILBANKS: That apply also to
14 all areas of TVA, not just water quality, to keep an
15 open line of communication because, you know, with
16 professional exchanges, you know, you can share a lot
17 of good ideas.

18 CHAIR MR. TOM LITTLEPAGE: And we
19 heard yesterday the state support plans, you know,
20 those long-term recreational plans, the same kind of
21 concepts where you're dealing with the states
22 developing broad-based planning tools, you know, let
23 EPA work together as another resource agency to help

24 in that process.

25 I think -- does anybody have anything
351
1 else they want to add to this or does the staff have
2 any comments before we sort of close this out and try
3 to summarize and make sure we have got a document
4 that we agree on and that we can provide to you?

5 Your silence is a nod of approval.

6 Let's go back through this real quick
7 to see if anybody has got any editing to it.

8 FACILITATOR WILSON TAYLOR: Question
9 one, do you want me to read them or let them read
10 them. We will scroll down.

11 CHAIR MR. TOM LITTLEPAGE: We didn't
12 really answer the question, per se. We're going to
13 talk about this in a second is where do we go from
14 here and how do we begin to provide an additional
15 layer of input into the staff, but for the process
16 that we laid out here in looking at these broad areas
17 that will be applied and analyzed by the staff on an
18 activity-by-activity basis, are we capturing general
19 thoughts and making sure that we don't conflict in
20 the comments that we have up here?

21 MR. RUSSELL TOWNSEND: One

22 clarification that I might want to make is on the
23 bullet with NAGPRA. I certainly said that it was a
24 high priority, but when it comes to being a
25 time-sensitive issue, of course, the tribes want that
1 addressed as quickly as possible. Some of those 352
2 remains have been in TVA hands for generations, since
3 the '30s, and it -- in some cases they have been in
4 other institutions even longer.

5 So I think there is some reality to
6 the fact that those remains will be -- as long as
7 they continue to be cared for that it is not as a
8 high priority to deal with those things. If TVA has
9 limited resources, we would rather them keep the
10 remains that are in the ground in the ground instead
11 of being looted or washed down the river than deal
12 with that. That's just my advice on that. So that's
13 kind of my clarification.

14 FACILITATOR WILSON TAYLOR: So I'm not
15 sure how you would clarify.

16 MR. RUSSELL TOWNSEND: I would say
17 NAGPRA is a high priority and the tribes rate it a
18 time-sensitive issue, but looting and other types of
19 site destruction are probably much more

20 time-sensitive and should be addressed as a higher
21 priority by TVA.

22 CHAIR MR. TOM LITTLEPAGE: Does that
23 imply that TVA needs to have a sense of priority and
24 responsiveness such that if remains are discovered
25 there's an immediate response to try to go and secure
1 those in accordance with NAGPRA? 353

2 MR. RUSSELL TOWNSEND: Yes. And they
3 have done a good job of that in the past, but I think
4 that needs to be said here.

5 FACILITATOR WILSON TAYLOR: Okay.
6 Keep scrolling down.

7 CHAIR MR. TOM LITTLEPAGE: So what
8 we're saying is a much higher -- let me make sure we
9 have got the right wording here. I don't think we
10 captured that in that last sentence.

11 I think if it just ends before the
12 and, doesn't that sort of capture it, and are
13 time-sensitive?

14 MR. RUSSELL TOWNSEND: Which and?

15 CHAIR MR. TOM LITTLEPAGE: The one
16 she's got highlighted. Do we need that? I just want
17 to make sure we're not overly emphasizing the NAGPRA

18 stuff.

19 MR. RUSSELL TOWNSEND: Yeah, I think
20 that's good. If you take that out, it still works.

21 CHAIR MR. TOM LITTLEPAGE: Okay.

22 MRS. JEAN ELMORE: That was a
23 clarification of what we were going to talk about,
24 wasn't it?

25 CHAIR MR. TOM LITTLEPAGE: Well, 354
1 staff -- I think at the end of that just say staff
2 will evaluate -- staff to evaluate range of
3 regulatory compliance options or something.

4 I don't know that we need that. She
5 was amplifying a question, and I don't know that
6 really lends itself to priority discussions.

7 MR. RUSSELL TOWNSEND: I am going -- I
8 might disagree with that. If I might take just a
9 minute to explain my point.

10 CHAIR MR. TOM LITTLEPAGE: Okay. Can
11 you undo that before we lose it?

12 MR. RUSSELL TOWNSEND: Section 110 is
13 a regulatory responsibility, but most federal
14 agencies do not -- do not execute their Section 110
15 responsibilities separately. They execute their

16 Section 110 responsibilities while executing their
17 Section 106 responsibilities adjudicating each
18 undertaking and its adverse effects.

19 So I think what Erin was trying to
20 stress and what I certainly would want to stress, if
21 not here, someplace, is that TVA should get out in
22 front of that and not be passive like a lot of
23 federal agencies and let Section 110 be an accruing
24 afterthought but to actively execute their Section
25 110 responsibilities not simply to the letter of the
1 law but the true spirit of the law. I think that's³⁵⁵
2 one thing that Erin and I agree on very strongly.

3 CHAIR MR. TOM LITTLEPAGE: Is the rest
4 of the Council okay? Let's see if we can get some
5 wording here.

6 DFO ANDA RAY: I do want you to be
7 able to catch about getting out in front with the
8 Section 110 and not just as a supplemental 106, not
9 just as an afterthought to 106. So if you put the
10 106 in there, you've got to remind us on the
11 compliance and the violation issues.

12 FACILITATOR WILSON TAYLOR: Yeah.

13 CHAIR MR. TOM LITTLEPAGE: We're kind

14 of walking through this. So if you see a section you
15 want to comment on, please interject. We have kind
16 repeated what we said earlier, that's okay. Just
17 keep scrolling.

18 FACILITATOR WILSON TAYLOR: Last
19 bullet is be consistent.

20 MRS. JEAN ELMORE: A better way to say
21 that would be consistent across all aspects, not just
22 all of it, I'm sure that's what I said but it --

23 CHAIR MR. TOM LITTLEPAGE: Consistency
24 both programmatically and across the Valley. I'm
25 having trouble remembering that first one.

356

1 MS. DEBORAH WOOLLEY: That was one
2 that, I think, Kelly brought up about not letting
3 boundaries keep people out but choose boundaries.

4 CHAIR MR. TOM LITTLEPAGE: I guess the
5 behavioral boundaries.

6 MR. MARK HOMMRICH: I think somebody
7 made a point on that. We're not recommending TVA go
8 out and physically mark all the boundaries of the
9 lands, but this could also relate to behavioral
10 boundaries and how people act on the TVA lands.

11 DFO ANDA RAY: Through education. I

12 don't know.

13 MR. JOHN WILBANKS: I think this was
14 all or, wasn't it, Mark?

15 I made the comment about keeping
16 environmental boundaries. I think she was talking
17 about the behavior end of it.

18 MR. MARK HOMMRICH: If I understand it
19 correctly, some of these lands are just narrow strips
20 of land along the streams and stuff and, you know, it
21 might not be appropriate to physically mark all of
22 those lands.

23 CHAIR MR. TOM LITTLEPAGE: I'm not
24 sure.

25 DFO ANDA RAY: Wasn't that one of the
1 best ways of enforcement is education and changing
2 people's behaviors?

3 CHAIR MR. TOM LITTLEPAGE: That's what
4 I am thinking is what we're trying to do is the value
5 of education, I know we're going to talk about that
6 later. Maybe just highlight that and we will see if
7 we address it because I think we capture that
8 sentiment in the education stuff. I think the idea
9 of the ranger, that's a whole discussion area that, I

10 think, we have charged the staff to look at a little
11 bit.

12 I guess I would ask from the staff's
13 perspective, are these bullets helpful or are they
14 too truncated to be of value? I say these bullets in
15 conjunction with the transcript.

16 DFO ANDA RAY: Oh, we're fine. I
17 mean, we know what the intent was. Are we okay?
18 We're all here.

19 CHAIR MR. TOM LITTLEPAGE: Okay.
20 Well, then that kind of -- scroll back a little bit
21 to that first bullet under public education, does
22 that capture what is highlighted? In other words,
23 public education to be used as part of the
24 enforcement process, do we need that highlighted
25 bullet in here?

358
1 MS. DEBORAH WOOLLEY: Have we captured
2 somewhere in that that with the boundaries you still
3 have to have access because I think that was an
4 issue. Boundaries imply keeping out, and I don't
5 think that's what we were trying to say.

6 CHAIR MR. TOM LITTLEPAGE: Maybe we
7 need to modify this to capture that sentiment.

8 MS. DEBORAH WOOLLEY: I can't remember
9 what was above it. My brain's fried.

10 CHAIR MR. TOM LITTLEPAGE: I don't
11 think we have captured that.

12 DFO ANDA RAY: It was if you allow
13 controlled access you can direct them to protect the
14 natural resources by not -- by directing them away
15 from the sensitive resources.

16 CHAIR MR. TOM LITTLEPAGE: Yeah.

17 DFO ANDA RAY: That would be
18 controlled access to protect resources, controlled
19 access.

20 CHAIR MR. TOM LITTLEPAGE: Use
21 controlled access to --

22 DFO ANDA RAY: Controlled and directed
23 access. We're not getting the inside party yet.

24 CHAIR MR. TOM LITTLEPAGE: To help
25 protect sensitive areas.

359

1 MS. DEBORAH WOOLLEY: And it meets
2 your public recreation mission too at the same time.

3 DFO ANDA RAY: Uh-huh. Sensitive
4 areas, go ahead and add that, that way we will get
5 that.

6 FACILITATOR WILSON TAYLOR: Say that
7 again.

8 MS. DEBORAH WOOLLEY: I can't
9 remember.

10 DFO ANDA RAY: And provide public
11 recreation.

12 MS. DEBORAH WOOLLEY: And provide
13 public recreation access. I think we talked so much
14 about boundaries and you need to define boundaries
15 that there was a fear we were starting to limit
16 access or fencing the world out, and I don't -- I
17 know from my standpoint that's not what we were --
18 what I was talking about. I think boundaries lets
19 you actually have better access.

20 CHAIR MR. TOM LITTLEPAGE: I think we
21 can take the highlighting off. Yeah. We're okay
22 with that. Just keep scrolling. Let's get that
23 whole point there.

24 Is everybody okay with that?

25 Okay. That one is good. That looks
1 good. Scroll to capture that whole -- at the bottom
2 of the page that's split across two pages. Okay.

3 I'm not hearing anything. So we're just going to

4 continue to scroll across here.

5 The next bullet. Partnerships again.

6 I think we have some recurring themes in here.

7 That's a Kelly point for biomass research. Trail
8 maintenance. That looks good. Okay.

9 Does that maintain context?

10 I'm not sure I remember what we
11 intended with that.

12 MR. RUSSELL TOWNSEND: That doesn't
13 really mean anything to me as it stands right there.

14 CHAIR MR. TOM LITTLEPAGE: Does
15 anybody remember?

16 MRS. RENEE HOYOS: Can you go up one?

17 CHAIR MR. TOM LITTLEPAGE: I can't
18 recall that context comment. I propose to strike
19 that unless somebody can think of why we -- I don't
20 think -- okay. Those look okay to me. I think that
21 looks okay, too.

22 Just go on to the next one. Is that
23 Shiloh feed boxes? Do we need to say Shiloh National
24 Park example or something to kind of give it a frame
25 of reference?

361

1 MR. RUSSELL TOWNSEND: Yes, that may

2 help.

3 CHAIR MR. TOM LITTLEPAGE: Consider
4 the non-visual aspects of TVA work is -- I guess I am
5 trying to capture if that was my comment relative to
6 the concern about if we overemphasize the visible
7 that we -- the stuff that isn't visible to the public
8 somehow is detrimental. I'm not sure how to change
9 that other than to -- yeah, that's probably a good
10 thought process there.

11 DFO ANDA RAY: That is your bucket of
12 paint.

13 CHAIR MR. TOM LITTLEPAGE: Yeah. Hill
14 is going to be walking around painting kiosks.
15 That's his summer project.

16 FACILITATOR WILSON TAYLOR: Delete the
17 other sentence.

18 CHAIR MR. TOM LITTLEPAGE: Yeah, then
19 you can delete that following sentence. I think
20 that's a little clearer. I think keep operation of
21 Tennessee River was Karl's comment.

22 MR. KARL DUDLEY: Just a comment.

23 DFO ANDA RAY: No. Actually, that's a
24 helpful comment. Actually, we have -- remember, we

25 have all new people in TVA and they said, why don't
362

1 we just turn this over to the Corps, why is TVA
2 managing this? We have had that conversation, but
3 the question was asked. So that's a good comment.

4 MS. DEBORAH WOOLLEY: Or you can say
5 maintain operation of the river at all cost.

6 DFO ANDA RAY: I think he did say
7 that.

8 MS. DEBORAH WOOLLEY: Or emphasize it
9 in some way because it's fundamental.

10 CHAIR MR. TOM LITTLEPAGE: As a state
11 in active litigation with the Corps, we would agree.

12 MS. DEBORAH WOOLLEY: We play with
13 them in the Nashville area.

14 CHAIR MR. TOM LITTLEPAGE: I think
15 that's good. I think we have captured that. That's
16 just left over.

17 FACILITATOR WILSON TAYLOR: We didn't
18 do that. So you can scroll on to the next question.

19 MS. REBECCA TOLENE: Can we just take
20 a vote because I'm worried about everybody coming in
21 and out.

22 CHAIR MR. TOM LITTLEPAGE: That's

23 probably a good idea. So we finished question one.
24 We didn't really answer the question as directly as
25 proposed, but does anybody have any objection to the
1 verbiage that we put up there? 363

2 What I would propose is that we just
3 do a thumbs up like we normally do on a vote, and if
4 you agree with the words there just give us a thumbs
5 up and make sure that we have a consensus among the
6 Council.

7 So everybody that agrees with what we
8 have got for question one regarding the natural
9 resource plan, vote.

10 And I do not see any thumbs down. So
11 we have a unanimous consensus among that one.

12 Okay. Question two now, looking at
13 watershed management, water resource management,
14 excuse me, I think what we needed to say is staff is
15 going to relook at this issue. They were
16 preliminary, or what's the appropriate term,
17 preliminarily determined to be outside the scope and
18 there's going to be a reevaluation in looking at how
19 to reference them, I think that was the
20 appropriate -- but need to have some reference to

21 this process, maybe that's a good way to say it, they
22 were preliminary determined to be outside the scope
23 but needs to be referenced as part of this activity.
24 I think that captures the sentiment.

25 I think you can delete that. I think
1 the comment is okay with the discretionary comment. 364

2 We're okay.

3 I know I keep saying this, but I am
4 looking for you guys to jump in here if you see
5 something. The targeted watershed initiative is
6 good. Restoration.

7 FACILITATOR WILSON TAYLOR: Renee came
8 up with categories.

9 CHAIR MR. TOM LITTLEPAGE: I think
10 those are good categories.

11 MRS. RENEE HOYOS: I'm kind of
12 thinking that they don't really apply anymore if
13 we're moving more towards TVA taking responsibility
14 for the things that they have.

15 CHAIR MR. TOM LITTLEPAGE: I'm sorry.
16 Say that again.

17 MRS. RENEE HOYOS: I am wondering if
18 those things apply now that we have sort of moved in

19 the conversation to TVA being responsible for the
20 things that they have created. So like under the
21 management, you know, I don't know that some of those
22 things you need to worry about, but, you know, if the
23 staff find those categories helpful I suppose we
24 could keep it.

25 CHAIR MR. TOM LITTLEPAGE: I kind of
1 thought that they were a good approach to looking at ³⁶⁵
2 some of these, and there are some management
3 activities within some or management roles within
4 some of these activities.

5 DFO ANDA RAY: Can we clarify it so
6 that we don't miss it that those were secondary to
7 TVA's immediate impacts or addressing our immediate
8 impacts.

9 MRS. RENEE HOYOS: Yeah, because I
10 think this was under discretionary, these are all
11 discretionary is my understanding. Yeah.

12 FACILITATOR WILSON TAYLOR: We are
13 going to clarify at the top those three bullets.

14 CHAIR MR. TOM LITTLEPAGE: As we lead
15 into the three bullets.

16 FACILITATOR WILSON TAYLOR: Right

17 there.

18 CHAIR MR. TOM LITTLEPAGE: Just say
19 the following three or something reflect
20 discretionary aspects of the approach to reviewing
21 activities. I don't think that helps. I'm
22 whispering.

23 I would change the wording, public
24 expectation is that TVA will take the lead role. I
25 don't think they can keep the Valley's water clean by
1 themselves but certainly take a leadership role. 366

2 Stop. Can you get that whole thought
3 on the screen?

4 I think I would adjust that last
5 sentence to maybe something of rightly or wrongly TVA
6 will incur blame if water quality is degraded. Just
7 delete that.

8 Okay. Take a look at direct effects
9 by TVA and look at those, I think this -- does this
10 bleed into the next discussion area?

11 It's not ringing a bell.

12 MR. MARK HOMMRICH: Would that follow
13 your point to prioritize things that TVA is
14 responsible for and focus on those?

15 MRS. RENEE HOYOS: Yeah, I think so.

16 That's when the conversation started about you being
17 responsible for the stuff you have done and the other
18 stuff not so much.

19 MR. RUSSELL TOWNSEND: I think it
20 might be helpful. Because as I am looking at these
21 things and I am going back in my mind trying to
22 reconstruct the conversations that we had and trying
23 to place who said them and what all was said in the
24 overall ideas, and it may be helpful when we come to
25 this portion of the meetings, and this is just a
1 suggestion, but I think once the committee or group 367
2 has put these ideas forward maybe the staff should
3 then look at these and say we totally understand this
4 one, this one needs to be extrapolated on if it's
5 going to be useful, you know, we need to flesh this
6 one out a little bit better, and then we can come
7 back and interject that.

8 The reason I am saying that is because
9 I just see Tom sitting over there kind of rebuilding
10 these things and thinking, wow, he's really good at
11 that, but I don't know if that's really helpful to
12 the staff, you know.

13 CHAIR MR. TOM LITTLEPAGE: You're
14 proposing that the staff look at this and at the next
15 meeting come back and revisit it?

16 MR. RUSSELL TOWNSEND: No, sir, not
17 necessarily. Right now I think it's more important
18 that the staff tells us if they understand our
19 points. If they don't understand our points based on
20 what is typed up here in the bullet, then we need to
21 contribute some more to make those understandable.

22 CHAIR MR. TOM LITTLEPAGE: I hope that
23 they understood I wanted that feedback. So if they
24 see these things and they feel like that they are
25 going to be useful or helpful that they will let us
1 know that as we're developing this. 368

2 What is at that bullet, much what
3 impact, economic development impact. Okay. Input,
4 not impact. Okay.

5 FACILITATOR WILSON TAYLOR: Is that a
6 complete thought there?

7 CHAIR MR. TOM LITTLEPAGE: Which one?
8 Yeah, I think it's a question we asked of how do we
9 factor future growth development in some of these
10 discretionary activities. I don't know that we know

11 the answer to that today, but I think it's worth
12 throwing into this mix given the fact that the ROS
13 sort of handled some of the growth issues on water
14 demand and water management. In terms of these
15 activities, there's going to be a role as well.

16 I think those are okay. Matrix
17 approach looking at regulatory oversight. Okay.

18 FACILITATOR WILSON TAYLOR: Skip
19 those.

20 CHAIR MR. TOM LITTLEPAGE: I think we
21 skipped those. So that's question two, did we -- is
22 the next thing, question three?

23 FACILITATOR WILSON TAYLOR: Question
24 three.

25 CHAIR MR. TOM LITTLEPAGE: So we need
1 to back up to question two. Now that you have seen
2 what you put out there, let's vote on that input into
3 the staff.

4 Let's do that with another show of
5 hands. Does anybody have any objections or concerns
6 about what we have put out there?

7 I see a unanimous show of hands. So
8 question two answers are dutifully acknowledged.

7 Okay. I think those three look good. Those look
8 okay.

9 MR. JOHN WILBANKS: That should be
10 values, TVA values leverage, that should be values,
11 not value.

12 CHAIR MR. TOM LITTLEPAGE: Okay. I
13 think that looks good.

14 Is that it?

15 Is that the end of it?

16 Okay. That's question 3B or the
17 general answers to question 3B. We will do the same
18 thing. Not hearing any negative comments, everybody
19 vote with your thumbs, thumbs up acknowledging your
20 agreement or concurrence with the comments.

21 And again, a unanimous vote.

22 So with that, I guess we have provided
23 input to the staff.

24 I certainly appreciate the time and
25 energy in this. I don't think we're through with it
1 yet, but we have started, maybe that's the best -- we
2 have begun it.

3 So any other general comments on this
4 before we kind of close out the meeting?

5 I know we're just about ten minutes
6 behind yesterday here. With that we're closing out
7 this meeting, and we're talking about where we go
8 from here.

9 Did you have anything else you needed
10 to say?

11 FACILITATOR WILSON TAYLOR: No, sir.

12 CHAIR MR. TOM LITTLEPAGE: I will just
13 throw this open for Anda's discussion as well, but
14 the idea here is that, I think, the staff would like
15 to have continuing input and involvement from us in
16 this process.

17 So we're -- we have been talking about
18 what's an appropriate vehicle without taking too much
19 of our time to help with this process, and I have
20 heard a couple of different scenarios.

21 One is the staff would hold some
22 regular meetings and us -- and we would be invited to
23 participate as available and talk about topic
24 sensitive areas to try to get to more the crux of
25 these specific activities and program goals versus
1 kind of two or three major meetings.

372

2 So do you have input you want to make

3 in that?

4 DFO ANDA RAY: I think I have
5 mentioned to a couple of you that we would like to
6 hold some workshops. You are a FICA. We need to
7 continue to utilize you like that, but if we have
8 workshops and you come and there's not a quorum we
9 can still have a discussion.

10 So we really need to look at getting
11 your input probably once a month. And instead of
12 taking a show of hands on who knows what schedule, we
13 thought we would rotate these workshops around the
14 Valley and that each time we would have a progression
15 a little bit further along on where we are. They
16 would be shorter, they are not going to be two days,
17 and then just put that out there.

18 Then if you're able to come, we would
19 love to have you, but that it wouldn't be a
20 requirement and we wouldn't take a vote but so we
21 wouldn't need a quorum. We do need your support on
22 the workshops and then we would have the big meeting
23 when we needed to have a formal vote.

24 MS. DEBORAH WOOLLEY: Would you have a
25 schedule going out for those?

1 DFO ANDA RAY: Yes, for the whole
2 thing.

3 MR. RUSSELL TOWNSEND: Anda, would
4 those workshops be on different topics or will it be
5 basically the same workshop repeated in different
6 locations?

7 DFO ANDA RAY: Different topics. It
8 would be as we progress through.

9 MR. RUSSELL TOWNSEND: Okay. I
10 understand what you're saying.

11 DFO ANDA RAY: Maybe working meetings
12 and not workshops, maybe that's better language.

13 CHAIR MR. TOM LITTLEPAGE: Does
14 anybody have any concerns to that concept?

15 The idea, again, is that it's a
16 shorter duration. It's designed to where if you
17 can't make it, that's fine, but if you can make --
18 whatever ones you can make, certainly you would be
19 invited to attend.

20 MR. JOHN WILBANKS: Who would be
21 invited to the workshops?

22 DFO ANDA RAY: Just you. Just you.
23 You're the stakeholder.

24 MR. JOHN WILBANKS: It wouldn't be
25 open to the public?

1 DFO ANDA RAY: I don't know. We don't 374
2 have a lawyer here. Well, it's a FICA and I don't
3 know the answer to that.

4 Can I get back to you on that?

5 (Beth Keel is speaking but the court
6 reporter could not hear the comments.)

7 CHAIR MR. TOM LITTLEPAGE: But I
8 thought we were kind of exploring options to look at
9 this as a working meeting which would not necessarily
10 entail the FICA requirements. We wouldn't take a
11 vote. Again, there wouldn't be a quorum.

12 The idea was we would roll one or more
13 of these meetings together and then discuss those at
14 a full meeting of the Council and formally vote to
15 provide additional guidance from those working
16 sessions to the staff.

17 DFO ANDA RAY: But you are a FICA. We
18 can't just call you a different color because we hold
19 a different meeting but the exact same folks are
20 invited. So I need a little bit of legal counsel on
21 how we do this.

22 The difference is you wouldn't be able
23 to take a vote if there's not a quorum. I don't
24 think we'd be asking you to take a vote during this
25 kind of concept anyway. Let us get back to you on
1 that. 375

2 The idea was if you would be willing
3 to meet a little bit more often shorter but provide
4 some more input more as a stakeholder group or a
5 working group.

6 CHAIR MR. TOM LITTLEPAGE: And the
7 other idea was different locations around the Valley.
8 So it would be a little opportunity to see little
9 different things.

10 Russell.

11 MR. RUSSELL TOWNSEND: I think that
12 sounds like a great thing, and I would certainly
13 agree to participate as much as possible.

14 Would it be inappropriate for TVA to
15 let the individuals on the committee know which
16 topics are going to be discussed and how important
17 their input is?

18 DFO ANDA RAY: Yeah, we could do that.

19 I think what we would -- what we will plan to do is

20 put out a calendar for the rest of the time until the
21 next staff meeting, the next staff meeting, sorry,
22 the next Regional Resource Stewardship Council, and
23 the topic. I know what you're asking. We will work
24 with that. We will give you a call and say that we
25 really need to have you there, and every one of you
1 are going to get a call. 376

2 MR. RUSSELL TOWNSEND: And I
3 understand the more participation you get the happier
4 you are, but I just would hate to plan to attend, you
5 know, this one and then find out the next one that I
6 have already booked something on is the one you're
7 going to talk about archeology.

8 DFO ANDA RAY: Hopefully the topics
9 will be clear.

10 MR. RUSSELL TOWNSEND: Great.

11 CHAIR MR. TOM LITTLEPAGE: Okay. I'm
12 not hearing a whole of lot objection to that. Again,
13 we're not asking for specific commitments at this
14 point, just be open to that schedule as it's
15 developed, and everybody will be emailed logistical
16 information about that.

17 So I guess from there we talk about

18 our next meeting, and during that meeting we will
19 have had the results of what we have done through the
20 summer and then in the fall provide a more formal --
21 we will have an update of where this process stands
22 and then provide more formal reviews based on what
23 has occurred over the course of time.

24 So we're looking at a couple of dates
25 in the summer to throw out. September 30th through
1 October 1st, which is a Thursday and Friday, or 377
2 October 14th and 15th, which is a Thursday and
3 Friday.

4 So is there any general reaction to
5 that?

6 I know you may not have your calendar
7 with you.

8 MR. RUSSELL TOWNSEND: If the
9 September 30th puts the 30th on a Thursday, that one
10 is real good. I just want to make sure you-all know
11 that the Tribal Council is held the first Thursday of
12 every month, and probably for the next 18 months I
13 will be called to that council session regularly. So
14 it will make participation on the first Thursday of
15 every month difficult for me. So if we go with

16 September 30th as a Thursday, that would work out
17 great for me personally.

18 CHAIR MR. TOM LITTLEPAGE: For those
19 of us on fiscal years that are around there, does
20 that present a problem to be at the end of a fiscal
21 year?

22 MS. DEBORAH WOOLLEY: I think that's
23 only TVA.

24 CHAIR MR. TOM LITTLEPAGE: Okay.

25 Well, those are the two dates that we will work
1 around and Beth will be -- 378

2 MS. DEBORAH WOOLLEY: Should we hold
3 those as tentative now?

4 CHAIR MR. TOM LITTLEPAGE: Yeah.
5 Let's hold the first one as the primary, the 30th and
6 the 1st, and then the 14th and 15th as an alternate
7 in case something creeps up.

8 Any comments or questions?

9 Beth, do you want to say anything to
10 the group?

11 MS. BETH KEEL: I just wanted to let
12 you know if there were any questions that you needed
13 or preferred to have some legal advice, Kelly Love is

14 coming down in just two seconds or less. If not,
15 that's fine, too.

16 We thank you very much for coming.

17 CHAIR MR. TOM LITTLEPAGE: Do we have
18 lunches for everybody?

19 MS. BETH KEEL: Lunch out here.

20 Always the food pusher. And there's drinks here.

21 There's drinks here. Please take something with you.

22 Thanks. If you need tokens to get out of the parking
23 lot over here, I have that also.

24 CHAIR MR. TOM LITTLEPAGE: So thank
25 you to the staff for everything that they have done.

379

1 Thanks again for the DVD. I would
2 encourage everybody to watch it. It's a very
3 interesting documentary.

4 We thank you for your time with this
5 and for the time coming up. We appreciate your
6 involvement.

7 So with that, I guess we will declare
8 adjournment.

9 Have you got something?

10 FACILITATOR WILSON TAYLOR: No, sir.

11 CHAIR MR. TOM LITTLEPAGE: We are

12 adjourned, consider ourselves adjourned.

13 END OF MEETING

14

15

16

17

18

19

20

21

22

23

24

25

380

1 REPORTER'S CERTIFICATE

2

3 STATE OF TENNESSEE)
: SS.
4 COUNTY OF KNOX)

5

6 I, Kimberly J. Nixon, RPR, the officer
7 before whom the foregoing meeting was taken, do
8 hereby certify that the foregoing transcript was
9 taken by me in machine shorthand, and thereafter
reduced to typewriting by me;

8 That the transcript is true and accurate
and the transcript was prepared under my supervision,
9 and attached to this certificate is a true, accurate

and complete transcript, as provided by law;

10

11 That I am neither counsel for, related to,
12 nor employed by any of the parties to this action;
13 and I further certify that I am not a relative or
14 employee of any attorney or counsel employed by the
parties hereto, nor financially or otherwise
interested in the outcome of this action; and that
the foregoing transcript is complete and accurate in
all particulars, as provided by law.

15 In witness whereof, I have hereunto set my
16 hand this_____day of_____, 2010.

16

17

18

19

KIMBERLY J. NIXON, RPR
COMMISSION EXPIRES 4/18/2012.

20

21

22

23

24

25